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GRIZZLY BEAR MANAGEMENT

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL POLLUTION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

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GRIZZLY BEAR MANAGEMENT

MONDAY, JULY 1, 1985

U.S. Senate,
Committee on Environment and Public Works,
Subcommittee on Environmental Pollution,
Great Falls, MT.

The subcommittee met at 1:15 p.m. in the city commission chambers, civic center building, Great Falls, MT, Hon. Max Baucus presiding.

Also present: Hon. John H. Chafee, Chairman of the Subcommittee.

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator Baucus. Lets begin. This is a hearing of the Subcommittee on Environmental Pollution of the Environment and Public Works Committee. We're very honored today to have with us the chairman of the subcommittee, Senator John Chafee from Rhode Island.

John and his wife, Ginny, are here in the State. They've been in our State since Friday, and are lucky to have spent the last several days traveling throughout the Northwestern part of our State. They first arrived in Great Falls and then up to St. Mary, over the Going-to-the-Sun Highway, traveled by car to Kalispell, then flew into Schaeffer Meadow. They have been with the Forest Service and have visited various parts of the Bob and the whole ecosystem, and have spent the last day on horseback. He and Ginny just arrived this morning for today's hearing.

Before I introduce Senator Chafee, I'd like to introduce Ginny. She is in the back row. Please stand, Mrs. Chafee.

Ginny and John have obviously been taken with what they've seen, vast open spaces and the beauty of our State, and we're very glad, John and Ginny, you're able to see that.

Today's hearing is one which arouses lots of deep passions and feelings. I'm certainly glad to see that so many people have turned out today. It's a little hot, but we'll manage to bear up and get through the hearing today.

There are several key questions we want to focus on. There are also several side issues that we will spend some time with. But one of the key questions is how to manage the bear, and inevitably raises the question of the proper State/Federal management of the bear. We're all aware of the recent Eighth Circuit Court of Appeals decision, as it relates to the grizzly, which essentially states that the Department of the Interior together with the State of Montana, if they are to agree to manage the bear under a plan to be managed by the State, there first has to be sufficient data on the actual number of bears, their habitat, and all the associated facts that relate to numbers of bear. And second, if there's a hunt in our State, the question whether there are other ways to manage the bear other than hunt, that is when the bear comes into conflict with man, either through man directly or livestock or man's property. So those are two questions that obviously are going to be discussed here today.

I have some questions in my mind which I hope the witnesses will address, and that revolves around the question of recovery, that is just how fast are various agencies working to recover the bear under the act. Second question is what constitutes sufficient recovery, what standards should apply in determining what constitutes sufficient recovery of the bear. There are a whole host of other questions which we'll get into later, but essentially the hearing is to figure out how we in Montana, how we in the Federal Government, through the various agencies and through the Congress, should manage the bear.

I think John probably has a statement or comments he'd like to make. Without any further ado, we'll turn it over to John, and also state at this point there will be a break at 2:30 for about 10 minutes. Then we're just going to keep going until everybody is heard and everybody gets to say whatever anybody wants to say.

John?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator **Chafee**. Thank you, very much, Max. First of all, I want to thank you and everybody out here in Big Sky Country for all the hospitality you've extended to us. This is truly spectacular country.

By the way, I looked it up, and Montana is 147 times the size of Rhode Island, you might wonder what an easterner from a small State is doing out here. As Max mentioned, we're both on the Environment and Public Works Committee, which of course deals with the endangered species law and a host of environmental issues. Although clearly the grizzly is of particular concern to you here, and I was delighted to read that just last year the children of Montana voted the grizzly for your State animal, all over the Nation people are interested in the fate of all the endangered or threatened species, including the grizzly. So that's why I'm out here today to learn from you what some of the problems are and what some of the possible solutions might be.

I do want to stress that although these problems seem to be unique for this area, and certainly back in my State we don't have grizzlies bothering any livestock and we don't have grizzlies coming into the town dumps—as a matter of fact, we don't have any grizzlies—but it does seem to me, as I mentioned, that these are national problems, because of the national concern about the endangered or threatened species. From the trip we took up into both the park and then into the Bob and then the opportunity yesterday to meet with some of your State people, we've learned about the difficulty of making it possible for both the grizzly and for man to go about their business without interfering with the other, to have the minimum of intervention. Unfortunately, I gathered that there aren't any simple solutions.

I just don't think we can give man absolute free rein, and certainly we aren't going to decide to give absolute priority to the bear, either. It seems to me that perhaps there's got to be some sacrifices on both sides. A sound management of our natural resources from my experience does require a certain amount of caution, and certainly everyone wants that permit or lease issued or that road built as soon as possible. But if we make a mistake with these threatened or endangered animals, then we discover there isn't a tomorrow there, whereas if we do proceed with some caution, the animals will be saved and the opportunity for development will remain.

The law that we're working with, as you know, it's under the Endangered Species Act. In my judgment, that's a good law. It's of necessity a strong law. When it passed in Congress, originally it was strong and then we strengthened it some in 1978. But it seems to me even though it's a strong law, we still ought to be able to solve the problems that have been encountered in this area without weakening that important law.

So I look forward to working with Senator Baucus in solving the problems that might exist here, and I also look forward to hearing the testimony of the witnesses. That's why I'm here.

So thank you very much, Max.

Senator BAUCUS. Thanks, John. Our first witness is Jim Flynn, who is director of Montana Fish, Wildlife, and Parks Department. Jim?

STATEMENT OF JAMES FLYNN, DIRECTOR, MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Mr. FLYNN. Senator Baucus and Senator Chafee, we do appreciate the opportunity to appear before you this afternoon with respect to the grizzly bear.

I'd like to start out by going back a bit in the State of Montana to the first State territorial legislature that was convened in this State and took steps at that time to preserve and restore the fish and wildlife resources here in the State of Montana, and from a historical perspective point out that those initial actions in conservation occurred in Montana at least a decade before General Custer died at the Little Big Horn.

Montana is nationally renowned today for its fish and wildlife, and its people have been working toward that status for over 100 years.

With respect to the grizzly, the Montana Fish and Game Commission has been working to preserve that animal in the State of Montana since 1971. The fact that the grizzly is doing well in the part of Montana we call the Northern Continental Divide Ecosystem is not an accident. It is the result of close attention by those responsible for and concerned with wildlife management in the State of Montana.

In fact, the very reason this hearing is in Montana speaks to that attention. There is little need to convene this discussion in the

State of Calilfornia, Oregon, New Mexico, Utah, or Colorado. And yet in 1917, those States, as well as the Federal Government, had the opportunity to preserve the grizzly bear. Unfortunately, Montana's actions at that time were not followed, and attention was not given, and so the discussion on the recovery of the grizzly bear centers around the State of Montana today.

I'd also point out that I don't think we're assembled here today because the grizzly population in this particular ecosystem is in peril. There is little credible evidence that indicates the grizzly bear is imperiled by Montana's management program. You will probably hear credible witness to the fact that the grizzly bear are being found in places where they haven't been seen for quite some time.

When we speak to the management of the grizzly bear by any agency, be it State or Federal, we immediately get to the Endangered Species Act. I'd like to take a few moments to give our perspective to that particular aspect. The Threatened and Endangered Species Act basically seeks to recover those species determined to be in need of special consideration or concession. We support the act and ask only that it not prevent the use of all available management techniques to achieve the purposes of the act. The language in the act related to the "extraordinary case" is narrow and possibly limiting to the extent that it may prevent continuing a reasonable, logical and successful management program.

I point out that there is no guarantee of success for any management program for the grizzly, but restriction of pursuing all management options may take away the opportunity to find the right mix of options to achieve success. If that type of flexibility requires changing some of the language in the law, we would advocate those changes. Particularly, we feel the option of season settings need to be retained, thus closures or openings can be conducted based upon game management decisions with public involvement.

The Threatened and Endangered Species Act may be too constraining on the subject, and worse yet, the language allows the opportunity for some to stymie reasonable management decisions with little or no biological information and using only language of the act for the basis of their argument.

In addition, we have found that specifically in the State of Montana the interpretation of the section 6 aspect of the Threatened and Endangered Species Act is being used to stifle our ability to achieve the type of funding from the Federal section 6 funding source to adequately conduct the programs that we feel should be conducted here in the State of Montana. And we would feel that the interpretation by the Federal legal interpreters of this aspect of the Threatened and Endangered Species Act is counterproductive to our management program.

Aside from the act itself, if there is a point of consensus on the issue of recovering the grizzly bear, it is that habitat is the key to that recovery effort. And when we speak of habitat, we speak of both public habitat available for the grizzly as well as private. With respect to the public lands, central to that argument is protecting those Federal lands and making key acquisitions in grizzly country. While the State of Montana has limited resources, this department through the years has acquired three game ranges along the Rocky Mountain Front, all with important grizzly habitat. All these acquisitions, incidentally, were made with funds collected from resident and nonresident sportsmen's licenses.

The Nature of Conservancy, private organization, has joined this effort with an acquisition of critical grizzly habitat, and we are now in the process of understanding that another hunters conservation group is also currently working on a habitat acquisition project. But of major importance are the other public lands along the front and their ultimate land use allocation.

In May of 1984, the State recommended adding over 150,000 acres along the front to the wilderness system. We continue the State's advocacy for that avocation because of the remarkable wildlife values found there, including the grizzly values. Beyond these recommendations, sensitive planning and responsible administration on all Federal land is imperative.

As I mentioned, in addition to the public land, the private land is of importance. Without a doubt, there is critical grizzly habitat on private land in this ecosystem, and single purpose pursued at the total protection of the grizzly threatens the tolerance presently given the bear by many landowners. The bear distinguishes land only on the basis of what it needs.

To manage a program that diminishes the bears' susceptibility on private property destroys bears' habitat just as surely as a runaway bulldozer. For years, many landowners have accommodated the bear within the bounds of their own choosing. It is our responsibility to foster that arrangement and to be available when our assistance is required.

Destroying the bears' welcome on these habitats is more detrimental to the bears' population than harvesting a few bears on a hunt.

This year a number of grizzly bear incidents around Choteau have taken place. In this [illegible] we have had an unprecedented number of incidents to handle, and we recognize these events may not be the normal circumstance. We have learned over the past 6 years that some bear use of private land in this area is normal, frequent, and that we must respect the needs and feelings of the people involved. In order to maintain this historic tolerance, it is incumbent that prompt and efficient responses develop when problems occur. This response takes manpower and dollars. It is necessary that Federal Government which protects this species under the law assist with funding and manpower the State which manages the bear on the ground.

Aside from habitat, I'd like to address two other programs that we feel are of importance. One being augmentation, which like any other program is an option which should be available. As with any program, it may work if differences of fact and opinion are resolved. Current Federal roadblocks to this management option should be removed so that its potential can be explored.

The same is true for reintroductions. If there is suitable but unoccupied habitat, its full potential for the grizzly should be explored.

In conclusion, as it's been mentioned earlier, the State of Montana recently legislated the grizzly as the State official animal. This designation is a reflection of both the State's pride in the fact that the grizzly still lives with us and a declaration of our determination to assure that this cohabitation continue into perpetuity. We can achieve this aspiration and offer as simple evidence the fact that where we have been managing the bear, evidence indicates it may be increasing in numbers.

In closing, again I'd like to thank both of you for taking the time to hear the various views on the grizzly this afternoon. This is a summary of my remarks. I assume that the full text has been offered to you, and if I can answer any questions for you, I'd be most happy to do so.

Senator BAUCUS. Thank you very much, Jim. Several questions come to mind. First, could you explain why you think that section 6 money should be available? I know that's somewhat of a difference between the State department, but could you, for the record here, explain why you think the department should allow section 6 funds to be available?

Mr. FLYNN. Well, first of all, Senator, I'd like to emphasize that we're not looking for the Federal Government to fully fund this. The State of Montana is participating considerably in that effort. The difficulty we have right now is that there are certain funds made available for the management of the various species in the Threatened and Endangered Species Act, and there are funds available to the management of the grizzly bear.

And some years ago, the State of Montana through the legislative process enacted a law which authorized individuals to kill the grizzly bear if it was harming livestock or the individual himself. Because that law is on the books, the Federal solicitors have ruled that we, as a State, cannot receive section 6 funds until such a law is repealed from the State statutes. Needless to say, to get that law repealed may be a vigorous and difficult exercise.

So we offered up the argument that Federal law supersede State law, and therefore whatever the State law says on the subject is moot. That argument has gone begging at the Federal level, because for some reason they seem to think the State law may supersede the Federal, I guess. They feel it's in conflict, and so we have appealed that through the Fish and Wildlife Services system into the Department of Interior on two separate occasions, and on both occasions we came back emptyhanded.

I guess we're prepared to do it again if we have to, but it seems to me that it's a rather provincial attitude to be taken on the issue.

Senator BAUCUS. How important are these funds to make it worth our while here?

Mr. FLYNN. Oh, they're very important to us in the current circumstances. As I mentioned, we are spending a considerable amount of money on a particular grizzly management program, and, right now, we have an emergency situation in the Choteau area on the Rocky Mountain Front with the number of grizzlies that are coming down too close to the human population here. Our ability to react is based upon the manpower and dollars we have available. If we had more dollars, we could have more manpower and perhaps be more responsive, both quicker and in a more complete manner in those situations.

Senator **Baucus**. You mentioned some areas where you think Federal law perhaps should be changed. Would you more fully explain that for us?

Mr. **Flynn**. Well, first of all, I guess I see the possible need for a difference in considering whether the animal that you're administering under the act is a threatened animal or an endangered animal. And secondly, looking at whether that animal is a grizzly bear or a bald eagle, because a grizzly bear has got one attitude toward human beings, for example, than an eagle does. Eagles don't eat people; grizzly bears do.

And yet the administration in the application of the act pretty well looks at both of them in the same respect. So I guess specifically we would like to see more flexibility available in the administration of the Threatened and Endangered Species Act. Hunting is a good example, we do not have to look at the hunting question as to whether or not it's going to end up in court as opposed to whether or not it is contributing toward the recovery of the grizzly bear.

Senator **Baucus**. So you'd like the law changed in some respect to allow hunting, so the State can manage a hunt.

Mr. **Flynn**. Yes, the State I think clearly would administer any hunt, but we can only do so and should only do so in cooperation and with the consent, so to speak, of the Federal authorities.

But as I view the circumstances that have occurred to date, specifically, the wolf situation in Minnesota, it seems to me that the State wildlife managers and the Federal wildlife managers came to a conclusion of a course of action that could be followed to manage that population, and that those two judgments were turned around by a strict interpretation of the language that's in the act.

And so you have the professionals from both levels in agreement on a course of action, and they couldn't follow that. I just don't think that's the way you want to recover populations in the court system.

Senator **Baucus**. So are you saying therefore that the law should be changed so that court appeals or the Federal court system generally could more easily find that the State should have more discretion in managing the bear, is that what you're saying? Or are you saying that, in our State here, that the case for managing the bears is so strong that one need not worry about changing the law because in this instance the case is strong enough on its own merits? Which of those two do you prefer?

Mr. **Flynn**. I think it's kind of in between there, Senator. I don't want to put forth here that the State alone ought to manage this species in the national interest. But when the federal managers and the State managers are in accord, this is a management program that ought to be implemented and they can't do that, because the strict legal interpretation of the act prevents them from doing so. Then we've got something wrong with the act, and I guess what I'm saying is that if that language in the act which gives authority to the Secretary of Interior or the Director of the Fish and Wildlife Service to follow certain courses of action that are agreed upon by the Federal and State managers, then they ought to be able to do so.

Senator **Baucus**. OK. I have one more question, then I'll turn it over to John. Do you have any sure-fire formula, some suggestion to help us straighten out the redtape that exists among all the various Federal and State agencies? Maybe you don't think there's that much of a problem. If you think that there's not too much redtape and things work out pretty well, then I'd like to know what you think. But if you think that things could be smoothed out a little bit, that there is too much redtape, I'd like to hear your suggestions as to how we can cut down the redtape where it can be cut down.

Mr. FLYNN. Well, Senator, I guess go back twelve years to when we had the opportunity to serve in the State legislature and have both been involved in a lot of issues since then, and I know you, at the national level, get involved in a lot of difficult ones, but this is the most difficult one I've been involved in at the State level. I don't think there is any quick, sure-fire, solution to any aspect of this whole grizzly management program.

I think you'll get some real detail on this from some of the other witnesses. The establishment of the Interagency Grizzly Bear Committee was a pretty good step forward in that effort to try and cut through the redtape.

Senator BAUCUS. You think that's working pretty well?

Mr. FLYNN. I think so, yes, under the circumstances. It may appear that it isn't working well, but under the circumstances I think it's working reasonably well. The subject of the grizzly and its very nature, this makes it extremely difficult to come up with any, "This is the way it should be done, let's go do it," and that speaks back to the need to have as much flexibility as possible under the Threatened and Endangered Species Act, so that as we do find ways that we're convinced will work, we have the opportunity to move and to use them. And that's the change on an annual basis.

We don't want to be having to face court decisions or be coming to the Congress of the United States to say, "Change the act to allow for this." That's why we need more flexibility in that act.

But I think that the course we're on is working. As I stated in my testimony, we feel that the status of the grizzly in its northern Continental Divide ecosystem is pretty good, and with a little more time, a little more effort, we may be able to document satisfactorily to everybody's desires that in fact the population may be worthy of consideration. But as far as quick and easy, I'm sorry, I just can't give you a snap answer to that.

Senator BAUCUS. John?

Senator CHAFEE. Thank you. Let me ask you, getting back to section 6 of the Endangered Species Act, you said that because your laws allows the shooting of an animal if it's interfering with property, as opposed to life, that the Federal people have prohibited you from getting section 6 funds. But it's my understanding that Fish and Wildlife through maybe a circuitous route, nonetheless is getting those funds to you anyway; is that true?

Mr. FLYNN. Well, Senator, I think they're probably getting some funds to us that they feel are warranted, and here I will draw that line between the Federal and the State relationship, is that we have some management needs and some program directions that we think we ought to be pursuing that they may not be in agreement with, and that's the case with this circuitous line that you're talking about that prevents us from using like we'd like to.

Senator CHAFEE. I would be curious, and you probably don't have it at your fingertips now, but I would be curious what the difference is between what you would get had you qualified for the section 6 funds and what you're getting now. Whether it's of substance or not, one of the other witnesses would be able to tell us that. It's been my impression just over the last few days that a lot of people are worrying about the grizzly, the Federal people, the parks people, the forest people, the State people, the Nature Conservancy, the Boone and Crockett, and I get the impression that it's fairly well coordinated. And you seem to concede that or suggest that also in your answers to Senator Baucus' question.

But when it's all said and done, it seems to me it gets down to habitat. As you mentioned, one of the key factors is fostering the use of the private lands for grizzly, somehow making it compatible for private people to have the grizzly use their property. One of the problems, as I see it, is that certain private landowners follow what you might say the right regime, as far as taking care of their disposal, their garbage, and where the trouble comes is where others don't. I'm not saying the others are following the wrong ones, as in a situation where you didn't have grizzlies, but where the grizzlies cause trouble is that the garbage isn't cared for, the dead animals aren't properly cared for, and thus the grizzlies come and come into contact with the humans.

Is that a fair analysis, do you think?

Mr. FLYNN. Senator, in some cases, that's correct. I would hate to generalize and say that the only place you do have grizzly problems are in the instances you've just described.

Senator CHAFEE. I must say my remarks were more directed toward this area than the Yellowstone area.

Mr. FLYNN. Let's not talk about the Yellowstone area.

Senator CHAFEE. That's for another day, day and a half.

Mr. FLYNN. I think that there is little doubt that the proper handling of boneyards, for example, is one way to help to not be exposed to the grizzly. But on the other hand, I don't think that we can say that the grizzly-human encounters that we're experiencing are the result of people not adequately taking care of their boneyards and their garbage. I think that what we are experiencing, more than likely, is the result of two things:

One is that the population is such that we have some adult males looking for new home territory because there isn't enough territory left up there; or No. 2, perhaps it could even be the dry conditions that are pushing them out. I would say that those two are probably more the reason for the probiems that we've had this year than individuals not adequately taking care of their garbage and their boneyards.

Senator CHAFEE. It seems to me one of the things that can reduce the tensions, and you've touched on that in your remarks, is that there be a quick response. If a grizzly is down there in the alluvial plain near the stream, that somebody will come and do something about it fairly quickly. Is this where you've got the manpower problems you were describing earlier?

Mr. **Flynn**. At the present time, Senator, I'd say that's probably the most critical manpower situation we have, and we have had over the past week or so, I think we're close to working out a cooperative agreement with the Fish and Wildlife Service to address that and hopefully then we can be more responsive than we have been up to today.

Senator **Chafee**. Could you just outline to us a typical response, suppose somebody from Choteau calls you and says, "There's a bear down there in the creek." What happens?

Mr. **Flynn**. Typical response at the present time, Senator?

Senator **Chafee**. Yes.

Mr. **Flynn**. That call would be relayed to our regional office here in Great Falls. The word would probably end up with the local game warden, and he would be dispatched along with whatever other assistance was necessary to find out what's going on.

If we've got, as we've had, a bear that's obviously settled in, then we get into the trapping situation. If the conditions are suitable, we would snare it, tranquilize it, load it up, relocate it.

Senator **Chafee**. But could you give us a time factor from the time the call came here to Great Falls to the time something was done, say on a Sunday afternoon?

Mr. **Flynn**. I would assume that we would probably be able to be out there within not longer than 24 hours. But then the next time period gets a little shaky, because we don't rush out there right then and say, "OK, we're going to dart or tranquilize or move it." There may be a period of time, and that could be another day, in finding out what it looks like the bear is going to do. If we're going to snare it and the conditions are right to do that, the snare can be put out, and then it's a matter of getting the bear in the snare.

If, as we had to do recently, we've got to bring in a helicopter because there is no opportunity to snare——

Senator **Chafee**. Would that be your helicopter?

Mr. **Flynn**. That would be our helicopter. We put a person in the helicopter with the pilot to dart and tranquilize, then we get into loading them up and relocating them.

But in any of those instances, you've got a whole bunch of factors under consideration. One is the danger to the public, and unfortunately here a week or so ago, we in the trapping, we lost one of the bears, and so that is a consideration, too, because every time we lose a bear, well, that's one step backward from the recovery of the species.

So, in all of these things that you're weighing when you're talking about relocating, you have to consider that we can do it safely to the public but we can do it safely to the bear. Those are the balancing acts that you have.

Senator **Chafee**. Just one more question. In your opening remarks, I think you said there were three areas you were currently purchasing, the State was, in the——

Mr. **Flynn**. Three areas we've purchased, Senator.

Senator **Chafee**. You have purchased?

Mr. **Flynn**. Yes, sir.

Senator **Chafee**. Do you have any in the works now, just out of curiosity?

Mr. **Flynn**. Not in this ecosystem, Senator.

Senator CHAFEE. Thank you.

Senator BAUCUS. One quick question, Jim. You said the bear is not diminishing in number; in fact, they may be even increasing; is that correct?

Mr. FLYNN. Very strong on the may be, Senator. We just released a preliminary draft EIS, on the grizzly management program for the State of Montana, and we have copies available for the committee, it lays out our best information on the subject, and we think that it indicates that we do have the possibility of an increasing population.

Senator BAUCUS. And this obviously conforms with the Eighth Circuit Court of Appeals?

Mr. FLYNN. Yes.

Senator BAUCUS. Thank you very much, Jim. We appreciate it.

Mr. FLYNN. Thank you.

Senator BAUCUS. OK, our next panel is a series of administrators. Mr. Galen Buterbaugh, regional director of the U.S. Fish and Wildlife Service; Dean Stepanek, State director of BLM; Tom Coston, regional director of the Forest Service; Cliff Martinka with Glacier National Park; and James Claar, supervisor wildlife biologist for the Flathead Agency Bureau of Indian Affairs.

We have quite a few witnesses, we have lots of questions, lots to go over, so I strongly implore each of the witnesses to summarize their testimony. Hold it down to no more than 4 or 5 minutes each, and if you can do better, that would be greatly appreciated. Your testimony in full will be included as part of the hearing record. In fact, the hearing record will be held open for 10 days to give us an opportunity to make sure it's complete. But if you would summarize your testimony now, just give us the heart of what you're saying, that's what really is the bottom line, and we'll take it from there.

OK, who wants to be first; Galen?

STATEMENT OF GALEN L. BUTERBAUGH, REGIONAL DIRECTOR, FISH AND WILDLIFE SERVICE

Mr. BUTERBAUGH. Senator Chafee, Senator Baucus, my name is Galen Buterbaugh. I am regional director of the U.S. Fish and Wildlife Service's Denver region and current Chairman of the Interagency Grizzly Bear Committee or IGBC. It is my pleasure to be here today to describe the Service's involvement and progress in grizzly bear recovery as well as the issues of section 6 funding relative to Montana and the grizzly bear hunt.

As you know, Mr. Chairman, the grizzly bear was listed as threatened in the lower 48 States in 1975. The grizzly bear recovery plan which was prepared by the Service was approved in 1982 and serves as the basic guidance for actions necessary for maintenance, enhancement, and recovery of the bear. The plan identifies six ecosystems in which recovery efforts will be concentrated, including the Yellowstone, Northern Continental Divide, Cabinet-Yaak, Selkirk, Selway-Bitterroot, and Northern Cascades ecosystems.

Because of the wide-ranging nature of the grizzly and the multitude of agencies and jurisdictions involved in its management, a coordinated recovery effort involving all State and Federal agencies was essential to ensure the best utilization of resources and avoid any duplication of effort.

Senator **Baucus**. Now, Galen, if you're going to read it word by word, we're going to be on page 2½ by the time your time's up. I just got out my watch, too.

Senator **Chafee**. We know who you are and what you've done. Mr. Buterbaugh has testified before us many times in Washington and has done a good job, so you just get right to what you're suggesting we do.

Mr. **Buterbaugh**. OK, Senator, I'll screen through about 15 pages of it and leave out some of the language dealing with how we've responded to the congressional Senate language last year, which is in my testimony, and get right into some of the projects that are pertinent here, a couple more pages.

The grizzly bear recovery plan is now being revised in order to update population goals and occupied boundaries based on the most current information. Under the normal recovery plan development or revision process, the plan will go through technical and agency draft stages to allow for agency and public comment. The revision process is scheduled to proceed through 1985 with completion in mid-1986.

And I might add off the record, or not in my testimony, that this will have an important bearing on what the recovery roles will be in this ecosystem and others when we get through with this process.

In dealing with section 6 funding, as you know, Mr. Chairman, a vital part of the Service's recovery program for listed species involves cooperation with the States. This is accomplished through section 6 of the Endangered Species Act which provides for development of cooperative agreements with those States that meet the criteria established by the act. One of the primary criteria is that the Senate must offer its endangered and threatened species at least the level of protection afforded by the act and its implementing regulations. The Federal share is 75 percent funding for approved projects, except that funding increases to 90 percent when two or more States jointly work on listed species.

The grizzly bear receives strong support from State efforts. In this fiscal year, for example, the State of Idaho is conducting habitat evaluation and population surveys in the Selway-Bitterroot area, surveys in the Scotchman's Peak portion of the Cabinet-Yaak area, and road-closure enforcement in the Selkirks, for total funding of $57,500. The State of Washington is determining grizzly bear population parameters, habitat use and movement in the Selkirks for $36,900. The State of Wyoming is obtaining population status and trend information, habitat use information and studying aversive conditioning methods for a total of $45,000. These funding totals only represent section 6 funding and not the total commitment of State resources for grizzly recovery.

The State of Montana's position with regard to section 6 funding for grizzly bear work is somewhat unique, Mr. Chairman. Montana entered into a full authorities cooperative agreement with the Service for animals on September 26, 1979. This means that the agreement covered all listed endangered and threatened animals in

Montana, including the grizzly bear. Subsequently, a Montana State law, section 87-3-13OMCA, that allowed private persons to take wildlife to protect persons or livestock became effective October 1, 1981. With reference to the grizzly bear, this Montana law would allow the taking of a grizzly by a private citizen to protect livestock. However, the grizzly bear regulations promulgated by the Service (50 CFR section 17.40(b)) allow the taking of certain nuisance bears only if efforts to remove the bears to another site are unsuccessful, and even then only if the taking is done by authorized Federal or State employees. Other takings are punishable by civil or criminal penalties.

Montana therefore allows takings of grizzly bears that are prohibited by Federal laws and regulations and has less authority to protect the grizzly bear from taking than is granted under the Federal statute. Because the Federal law sets the minimum standard as required by section 6(f) of the Endangered Species Act, Montana does not possess the conservation authority required in section 6(c)(1)(A) to maintain its full authorities cooperative agreement. In 1982, therefore, the Montana cooperative agreement was altered to become a limited authorities cooperative agreement that does not cover grizzly bears. Since the Montana cooperative agreement no longer covers grizzly bears, the State is no longer eligible to receive section 6 funding for grizzly bears. However, it should also be recognized, Mr. Chairman, that while Montana no longer receives section 6 funding for grizzly bear projects, the Service has funded grizzly bear activities conducted by the State through section 15 appropriations. The amount of this funding was $30,000 in fiscal year 1984 and $57,000 this fiscal year.

Under the limited authorities cooperative agreement that is still retained by Montana, the state will receive $149,000 this fiscal year in section 6 funds for work on the black-footed ferret, gray wolf, woodland caribou, and peregrine falcon. Since initiation of its cooperative agreement, Montana has received a total of $393 in section 6 funds.

Concerning the Montana hunt, another issue related to grizzly bears is that of the sport hunting season for grizzlies in Montana. The Service's special regulations for grizzly bears, 50 CFR section 17.40(b), which were issued in 1975, provide the State of Montana the authority to authorize a sport hunt for grizzlies in portions of northwest Montana. Within this area an upper limit of 25 bears killed from all mortality causes is established; thus the potential number of bears available for sport hunting varies from year to year depending upon the extent of mortality from control and illegal causes realized in the population prior to beginning of the hunting season. During the course of the season, the State stops hunting prior to the 25 limit being reached as a precautionary measure to accommodate possible late mortality from causes other than hunting. The total number of bears killed annually has averaged 20, with the number taken by sport hunting averaging 10 per year. The greatest number of bears taken in a single year was 24 in 1983.

In addition, we are aware that serious concern has been expressed about the adequacy of the data used to support the regulations authorizing the Montana grizzly bear hunt. The Defenders of

Wildlife has gone so far as to issue the Department of the Interior and the State of Montana with a notice of its possible intent to initiate legal action challenging the legality of the hunt. The State of Montana is now assembling all available information on the status of the grizzly bear in the ecosystem and has initiated development of an environmental impact statement [EIS] to examine their bear management program, including the hunt. The draft EIS is expected to be available for review in the immediate future. The Service will review carefully the information contained in this document and determine on the basis of that review what actions if any should be taken to modify existing hunt procedures.

And with that, sir, I'll leave the rest. I would like to mention that Dr. Chris Servene is here, and as soon as I get over my head, I'd like to call on him to answer questions if needed.

Senator BAUCUS. OK, Dean, want to go next? Five minutes.

STATEMENT OF DEAN STEPANEK, DIRECTOR, MONTANA STATE OFFICE, BUREAU OF LAND MANAGEMENT

Mr. STEPANEK. I have no issues or for that matter recommendations, Senators. What I would like to do just momentarily is tell you what BLM's responsibility is on the grizzly bear issue.

The Rocky Mountain Front area is where the Bureau of Land Management has the most involvement and responsibility for managing the grizzly bear habitat. BLM is a member of the Interagency Grizzly Bear Committee, the Northern Continental Divide Grizzly Bear Management Committee, and the Grizzly Bear Research Committee. BLM manages approximately 26,000 acres of public land and 120,000 acres of split estate, that is private surface, Federal minerals, on the Rocky Mountain Front. This acreage provides important seasonal grizzly bear habitat. It is also well known for its potentially valuable natural gas production.

Portions of the public land habitat in this area appear to be keyed to grizzly bear and contain habitats where daily grizzly bear densities are as high as one bear per square mile at some times during the year. Although there are seasonal population fluctuations, it is recognized that this land is essential to grizzly bears in that portion of the Northern Continental Divide Ecosystem east of the Continental Divide.

We do have, as I mentioned, an oil-gas leasing program, and I'll just mention a couple figures to you, Senator, in that regard. Our plan allows for oil and gas leasing and development on 99,700 acres. Of the total I mentioned, seasonal restrictions to protect the bears and other wildlife are placed on 49,500 acres, and standard oil and gas stips were applied to 36,000 acres. No surface occupancy stips were required on 14,000 acres. About 18,500 acres are not available for oil and gas leasing because of the bear.

Senator CHAFEE. Could you say that again, please? What's the total?

Mr. STEPANEK. The total acreage under our responsibility is 26,000 acres, surface public lands, and another 120,000 acres of split estate, privately owned surface, Federal minerals.

Of those acreages, and it won't total because there are other classes of land in here, but for planning purposes, 99,700 are available for oil and gas leasing and development. Seasonal restrictions, that is operators can't be in there at certain times of the year critical to the bear, seasonal restrictions to protect the bear and other wildlife were placed on 49,500 acres, or about half, and standard oil stips were applied to 36,000 acres.

Now, the difference would be that no surface occupancy stips were required on 14,000 acres, and about 18,000 are simply not available for oil and gas leasing because of the conflicts.

In addition, outstanding natural areas have been designated for the grizzly bear and land exchanges have been conducted to acquire key habitat areas for the bear. This past year, as I recall, we picked up a little over a thousand acres by way of a third-party exchange through the Nature Conservancy, using the scattered public lands in exchange.

And that's I would offer at this time, Senator.

Senator BAUCUS. OK, thanks, Dean. Tom?

STATEMENT OF TOM COSTON, REGIONAL FORESTER, NORTHERN REGION, FOREST SERVICE

Mr. COSTON. Senator Baucus, Senator Chafee, my name is Tom Coston. I'm the Regional Forester for the Northern Region of the Forest Service, representing my agency today.

I'd like to do two things in the course of my testimony, and that's indicate the role of the Forest Service in the recovery of the grizzly bear, and then also describe to some extent the Forest Service program that's aimed at facilitating human and grizzly coexistence.

We've talked already that the successful recovery of the grizzly bear requires a truly cooperative effort by the agencies that are involved, both State and Federal, and previous testimony has already alluded to that. We feel that this general approach is being taken very effectively, and I'm sure that my colleagues on this panel will continue to testify to that effect.

The Forest Service plays an important role in recovery, because about 65 percent of the bears' habitat that's identified for recovery occurs on National Forest Service lands. The principal role of the Forest Service is to manage that habitat to meet recovered population levels and then to minimize the potential for grizzly-human conflicts.

Grizzly recovery areas comprise about 8 million acres of National Forest land. These lands are also important, as you've indicated, for supplying recreational opportunities, habitat for other wildlife species, the various benefits of wood, water, minerals and livestock activities, and the coordination of those activities is a large part of our efforts.

We have a five-point program that's aimed at carrying out our role, and I'll just briefly highlight what those are, just a word or two for each one.

The first point is to develop an adequate information base on grizzly bear habitat, and obviously learning what comprises a grizzly habitat, suitable habitat is a requisite to habitat management. The second point is the inventory and map habitat of the grizzly bear recovery areas to determine what the capability of those is. This is the habitat mapping job that some of you are familiar with, and it's prerequisite to carrying out the cumulative effect assessment work that I'll get into a little later on. It has to do with the coordination of the various human activities taking place in the bears' habitat over time.

We have mapped about 3 million acres, done a habitat mapping job on about 3 million acres of the 8 million total to date. We expect that most of these have been Northern Wilderness. We expect to take perhaps as long as 5 years to complete habitat mapping. With those areas that are high-priority, such as the Rocky Mountain Front area that you've recently visited, will be done within the year.

The third point that I want to mention is continue to develop and refine methods to maintain or improve habitat and to minimize the potential for grizzly-human conflicts. This has to do with the implementation and use of the grizzly bear guidelines, again the term which I think you're probably familiar with. These have been in existence for several years. They've recently in the past few weeks been the subject of public meetings as required by Congress. One of those public meetings was held in Great Falls within the last couple of weeks.

The fourth point is adding up the process and implementing the cumulative effects assessment program on grizzly bear habitats, and I mentioned that previously. It's been pretty well discussed that grizzly bears range over large areas. While the effect of any single activity may not be significant, the cumulative effect of the variety of activities taking place on National Forest land may indeed be significant, and getting a handle on that is what cumulative effect process is all about.

The last point in our program is, and this also has been alluded to before—in fact, I think if you could arrange to be on a panel as the last person, you wouldn't have anything left to say, you wouldn't have any work to do—that's promote public understanding of grizzly bears and their habitat and ways to facilitate human and grizzly coexistence.

Most of the people that I talked to like the idea, I think, of having grizzly bears on their national forests, and they recognize the law of the land as it relates to recovery. But, and I'm talking about the entire grizzly bear habitat in the lower 48 now and not just the front, but I think that the—many confrontations do result from failure to observe precautionary measures that are intended to keep humans and bears from immediate contact with each other. And many of the users of public lands are not adequately aware of what these measures are and of ways to avoid attracting bears to human residences or camps or whatever other sites may exist.

So the educational effects aimed at coexistence need to be increased right away, and we have plans to do that.

And the last point I want to make has nothing to do with those other five points, but one last item is that I said earlier that grizzly bear has been a recovery effort, and I didn't emphasize adequately I think that the most important cooperator in this picture is the public, and I'm talking especially of those people who use the grizzly bears' habitat for other purposes, that live and work and play in the same habitat. Now, I'm convinced that without the support of these people that recovery as envisioned in the act is probably not too likely. The Forest Service plans to continue to work with all interests as we strive to achieve the goal of the recovered population. The State and Federal agencies I believe have done—that are charged with the recovery and conservation of the bear—I think have made good progress, and some of the panel members have already alluded to this, particularly over the last 5 years.

I have a very positive outlook on our collective abilities, and by collective, I again include that most important cooperator, various publics, our ability to effect recovery. We've a long way to go on some of the ecosystem yet, but I'm confident that recovery is an attainable goal.

Senator BAUCUS. I guess you're next. Thanks, Tom, very much.

STATEMENT OF C.J. MARTINKA, SENIOR SCIENTIST, GLACIER NATIONAL PARK

Mr. MARTINKA. Thank you. First, I'd like to issue some sort of a disclaimer. I've been a scientist for 19 years, but I'm not too sure that I'm an administrator. So what I'd like to do is speak as a scientist who has been involved with grizzly bear management programs for the last 19 years in Montana.

I think if we could go back 200 years, we might find that grizzlies and people did a reasonably good job of coexisting in this part of the world. They probably had a mutual respect for each other, and certainly they were both adaptable in terms of the way they used their habitat. That balance as we knew it then has probably shifted in the last 200 years when we brought modern weapons into this particular part of the world, and what we're looking at now of course is grizzlies occupying what would only be a vestige of their original pristine habitat, perhaps as little as 5 percent in the contiguous United States.

Within this vestigate of habitat, the national parks, the two major national parks that we have, both Yellowstone and Glacier, are right now playing a vital role in the recovery and the perpetuation of the grizzly bear as a species. The parks provide protective population centers that greatly enhance the potential for grizzly bear recovery in northwestern Montana.

One thing that we have learned during recent years of research is that even as large as the national parks are, that they are probably not large enough to protect grizzly bears themselves. And what that requires, of course, then is an effort on a regional basis. We have entered into what I'm calling regional partnerships that I think have been quite effective in bringing the grizzly bear management program to the regional nature that it requires.

Now, if we look at park management goals alone and what we're doing as a part of our job, I think I would list three major management efforts. The first is an aggressive program that eliminates all garbage and camp foods—seems to be essential, and it has to be considered as a continuing part of our management programs.

The second has already been mentioned. Public information does provide a tool that helps visitors avoid problems by making their own decisions based on their own knowledge. Very, very important part of grizzly bear management.

And finally, we do have active programs that guide visitors' travel and their activity patterns in the backcountry or in the frontcountry and anywhere where grizzly bear hazards may exist. Now, occasionally we are required to remove a bear from the system, and that kind of a decision and all the decisions that we make in grizzly bear management are guided by what I would call a very active information program that tabulates information practically on a daily basis.

I would like to emphasize that during the last decade or so, I think there has been a change in the relationship between grizzly bears and people in the national parks. Certain of these changes, including more people than we had previously and certainly fewer bear deaths, I think are likely to continue in the future decade and perhaps beyond. Reduced bear mortality is definitely desirable. On the other hand, when you accompany reduced bear mortality with increased park visitation, you do establish a situation where we can have increasing bear problems. Fear of humans may wane and bears may seek to use all of the available habitat that they possibly can.

That does intensify the potential for incidents, and in fact that has occurred to some degree in the last decade. And what we can look forward to on the basis of that knowledge now is even additional intensification of management in future years.

So I see at this point in time not a status quo but an intensification based on any increasingly sophisticated data base. I think that park visitor management as it relates to grizzly bears is a priority issue for the coming years. We do have some of the knowledge that we need, but I think we perhaps need more knowledge. Particularly on human demography, we need to know more about people and how they use the national parks.

We have implemented visitor-use control in certain areas. I would add to that because I think we do need more public involvement, because I feel that that will assure a better understanding and support for those kinds of programs. The concept of a knowledgeable public to me continues to be the most effective management technique that I'm aware of.

For the present, I might just put my foot a little bit forward and talk about where the grizzly bear population appears to me to be in northwestern Montana. I think there is a reason for at least a cautious expression of optimism regarding the grizzlies in the park and in the areas surrounding the park. The habitats are quite productive, and the bear population in the park appears to be biologically healthy. Our population losses are relatively stable and certainly within biologically acceptable limits within the park.

On the negative side, and there always seems to be a negative side, the park is drifting toward status as an ecological island. We're aware of what those ramifications are, and I think that we're going to have to be addressing those issues in the future also.

In conclusion, I would like to say that I feel that progress is being made toward conservation of the remnant grizzly bear populations in the United States south of Canada. Public interest, agency support, and legislative action have fueled a movement, as I stated earlier, that is accelerating today. Conservation extends well beyond the simple protection of the single species from extinction.

Grizzlies and other rare species are environmental barometers that help to predict future conditions for the human species.

Thank you very much.

Senator BAUCUS. OK, thank you very much. Jim, you're next.

STATEMENT OF JAMES J. CLAAR, SUPERVISORY WILDLIFE BIOLOGIST, FLATHEAD AGENCY, BUREAU OF INDIAN AFFAIRS

Mr. CLAAR. Thank you, Senator Chafee and Senator Baucus. It's a pleasure to be here today. I have extra copies of my statement available.

Mr. Coston covered many of the points that concern us all as a land management agency, but I do have a few unique ones left to go to the BIA. Basically, I would like to discuss with you today our role and the status of bear management on two of the Indian reservations that we administer in this area.

As an agency with land management responsibilities, the BIA considers wildlife resources on Indian lands as a trust responsibility that we manage in cooperation with the respective tribes. In line with the Endangered Species Act, the BIA must perform its land management operations, for example forest management and minerals exploration, in a manner that does not adversely impact the grizzly bear.

The BIA is signatory to the memorandum of agreement that specifies the structure and operation of the Interagency Grizzly Bear Committee. As such, we serve as an invitee to the committee, along with the Canadian provinces of British Columbia and Alberta. We have a representative on the Northern Continental Divide Grizzly Bear Ecosystem Managers Subcommittee, as well as a research subcommittee.

The national plan for the bear defines the northern ecosystem in Montana, and within this area we administer two Indian reservations: The Flathead, located immediately north of Missoula, and the Blackfeet Reservation, adjacent to the eastern boundary of Glacier National Park. Through our efforts, we have delineated approximately 400,000 acres of occupied grizzly bear habitat on these reservations. The acreage at Flathead Reservation, which numbers about 260,000 acres, is presently under a wildlife management program. On the Blackfeet Indian Reservation, 140,000 acres of occupied bear habitat remain to be classified relative to bear use.

On the Flathead Indian Reservation, the Bureau of Indian Affairs in conjunction with the tribes have developed a grizzly bear management plan which was officially implemented in 1981, the primary objective being to manage the bears in a viable or self-sustaining population level. This plan is based upon intensive research conducted during the 1977 through 1980 period. In 1981, the tribal council on the Flathead closed the grizzly bear hunting to all tribal members due to a concern for the declining number of grizzlies there, and since the grizzly is considered an important tribal resource.

Intensive tribal and BIA management efforts on the reservation have reduced the known man-caused grizzly mortality from approximately two bears per year prior to 1981 to approximately one bear per year now. And the result of that intensive work is published in another paper.

In addition, a popular backcountry area in the Mission Mountain Wilderness around McDonald Peak has been closed to recreationists for 2 months each year since 1981, thus allowing grizzlies to feed undisturbed and provide for human safety in the tribal wilderness area.

As you can see, management of the people in grizzly bear country is important, and many of the other panelists have discussed that already. We recently completed a study on the reservation that indicates a majority of the residents are in support of our efforts there.

Turning to the Blackfeet Reservation situation, specific regulations there regarding grizzly bears permit tribal member hunting, but protect female grizzly bears between August 1 and January 1 and prohibit the sale of all wild game. The occupied grizzly habitat remains to be classified on the Blackfeet regarding grizzly bear use, and grizzly population characteristics must be determined before management direction for these areas could be fully developed.

In summary, we are in support of the regional cooperative efforts among the Federal agencies, States, and Indian tribes to recover the grizzly bear. The Bureau of Indian Affairs looks forward to continuing to participate in these recovery efforts on Indian lands.

Thank you for the opportunity to address this subject.

Senator BAUCUS. Thank you all very much. Mr. Buterbaugh, one question that's on the mind, I'm sure, of all stockgrowers is the Federal view that stockgrowers cannot protect their livestock, that is, cannot shoot a bear that has eaten up his sheep or other livestock. What's wrong with that? If a bear has eaten up a stockgrower's sheep, why shouldn't he be able to shoot that bear?

Mr. BUTERBAUGH. Senator, it's our interpretation of the act that that is not allowed. The individual that can protect himself from bodily harm is perfectly safe, but as far as property damage, it's our interpretation of the act that that is not allowed.

Senator BAUCUS. So it's your view that your agency has no discretion there whatsoever.

Mr. BUTERBAUGH. Right.

Senator BAUCUS. That prohibition is a Federal crime, I take it?

Mr. BUTERBAUGH. It would be a Federal crime that if an individual took a bear under the State law, if he's protecting his livestock, that would be a Federal crime.

Senator BAUCUS. OK. But is it a Federal crime, absent State law, for a landowner to shoot a bear that's destroying his livestock?

Mr. BUTERBAUGH. Yes; that would be illegal.

Senator BAUCUS. Absent any State law?

Mr. BAUTERBAUGH. Yes; absent any State law, it would still be illegal.

Senator BAUCUS. OK. Are you recommending that the law stay that way, or, having sympathy for landowners in this situation, recommend that the law be changed?

Mr. BUTERBAUGH. The administration's position is that the law not be amended at this time. We have a great deal of sympathy for the landowner that has problems with any endangered animal that's destroying his property.

Senator **BAUCUS**. What other remedies would you suggest?

Mr. **BUTERBAUGH**. The mechanism is set up for the state and federal agency to immediately move in and try to remove the bear, harass it out of the area to start with, and if that's not successful, we capture the animal, and as Mr. Flynn mentioned, we move it out of the area as quickly as we can. We'll do that two times, and the third time, if it comes back, the animal is destroyed or put in a zoo, it's removed permanently.

Senator **BAUCUS**. Are you in favor of compensation programs to the landowner?

Mr. **BUTERBAUGH**. That's a difficult question to answer. I don't know how you would ever police that. It's not provided for in the act, and again, since the administration is proposing no amendments, I guess I would have to say "No."

Senator **BAUCUS**. Put yourself in the shoes of the stockgrower. You know, that's their livelihood. Bear comes along and eats up your livelihood. I would think you would legitimately be a little bit upset.

Mr. **BUTERBAUGH**. I can certainly understand that, and they do get legitimately upset.

Senator **BAUCUS**. Well, if it's legitimate, it seems to me some legitimate solution could be found to that.

Mr. **BUTERBAUGH**. To take the offending bear is more of a solution than trying to come up with indemnification, because I'm not sure you would even be able to monitor that, or how you would control it; I'm not sure you could even predict how much that would cost.

Senator **BAUCUS**. Do any other panelists have any views on this subject, how to handle the eaten-up livestock? I don't want to see you all rushing there at once. How about it? Just like with your land managers, all of you, or you heads of agencies, you see those conflicts. Some of you must have some thoughts on this.

Mr. **MARTINKA**. I really have trouble adding anything to what's been said. I think a real empathy should exist and does exist for the livestock owner, whether it's on private land or whether it's on the national forest land, in my case under a permit. The process that's set up for removal of the bears in this case is an awkward one, but it is workable, and it appears that we're able to refine it as we go along. I'm sure that reaction is not as rapid or as decisive as the livestock owners would like. The process does appear to work.

Senator **BAUCUS**. Tom, there's a question of mine and some landowners, I'm sure, as to the Forest Service's classification of habitat of situation No. 1, situation No. 2, and No. 3, and so forth. As I understand it, a situation No. 1 land is grizzly habitat, that's the prime grizzly habitat, and in that area, that is area that's classified as situation No. 1, generally the bear takes precedence over man. Is that the general rule in situation No. 1?

Mr. **COSTON**. Not necessarily, or not quite, I guess I should say, Senator. It's lands that are necessary for the recovery of the bear. Now, the usual course of events as if conflicts develop in situation No. 1, we try to resolve the conflict. If it's irremovable, then the grizzly bear does indeed have the right-of-way.

Senator BAUCUS. Is your classification system a system that covers both Forest Service and other land, including private land? As I understand it, the Forest Service has mapped out areas which include both national forest, maybe other agency lands, but also private lands, and some private landowners are a little upset that the Forest Service is coming along and classifying their land as situation No. 1.

Mr. COSTON. The mapping does indeed cover all lands, but any requirements by the interagency guidelines are imposed only on the Federal lands.

Senator BAUCUS. Just seems to me that some landowner is going to get a little concerned if a Federal agency comes along and classifies his land as situation No. 1 and that implies that a long reach of Uncle Sam is dictating more what he can and can't do on his own private land.

Mr. COSTON. Again, that is a hard question to answer. But it's sort of a middle-of-the-road approach, that recognizing, on the one hand, the grizzly bear doesn't know the difference between private land and public land, and he uses habitat irrespective of whether it's private land or public land. And the way I rationalize that to myself, at least, is that we, despite the fact that we may map private land into the classification system, we don't impose restrictions upon the private land.

Senator BAUCUS. Why is it necessary to include private land?

Mr. COSTON. To better develop the idea of how much habitat is available for the use of the bear, both private and Federal. I don't have a figure, but a large percentage of the grizzly bears in our region spend part of their years down off the national forest on private lands. This has been a historic use pattern, and I'm not just talking about the Rocky Mountain Front, either. As you know, in western Montana, there is a lot of checkerboard ownership, where private land is intermingled. So in trying to develop a grasp of what a recovered population of bears would really consist of in terms of habitat capability, I think it's necessary that the private land be looked at along with the Federal land.

Again, I'm saying that restrictions need not be imposed upon the private landowners, but we find that in most of the cases that I deal with, at least, that the private landowner does not, or has not, raised an objection to the approach that we've taken.

Senator BAUCUS. I understand some need to determine habitat, whether it's public or private land, but can that be done without classifying private land as "situation 1"? I mean, can one somehow inventory the habitat without taking the next step and classifying it as situation 1, 2, or 3, because those classifications have certain connotations as to whether they're private lands or not?

Mr. COSTON. That would certainly be a possibility. On the other hand, it doesn't seem too practical where you have alternating sections of ownership, say checkerboard ownership, to simply draw lines around the 1-mile square piece of private land and say that is not situation 1, when the section adjacent to it would be situation 1. So I understand what you're getting at.

Senator BAUCUS. I'd like to ask each of the panel a question. How quickly are we moving for complete recovery of the bear, and how quickly do you think we should be moving for complete recovery of the bear? And I guess that assumes answer to the question, what is meant by recovery, so the bear is delisted. Just about one or two sentences here each.

Jim, why don't you respond, and we'll go on down the line.

Mr. CLAAR. That's a very complex question, it's difficult to answer.

Senator BAUCUS. Just a few words, Jim.

Mr. CLAAR. But briefly, the Bureau of Indian Affairs, yes, is in support of the act. We're moving as quickly as we can in cooperation with the other agencies. We're gearing up in our own agencies on the sites that we administer, and we'll proceed as quickly as we can through the vehicle of the IGBC.

Senator BAUCUS. So BIA supports moving toward quick recovery?

Mr. CLAAR. Most definitely.

Senator BAUCUS. OK.

Mr. MARTINKA. I don't think you can move any faster than we are right now, and there might be some danger in stepping out too quickly in a very complex issue. I remain quite comfortable that we're heading in the right direction at this point in time.

Senator BAUCUS. And how long do you think it will take, moving in the same direction, for the bear to be delisted; how many years, rough guess?

Mr. MARTINKA. Five to ten years.

Senator BAUCUS. Five to ten, roughly? Galen?

Mr. BUTERBAUGH. Fish and Game strongly recommends recovery. I think in terms of recovery, you'd have to look at it by Northern Ecosystem. Northern Ecosystem, I think that's the one that we're closest to, and it tapers off and I'm not sure that there's much optimism.

Senator BAUCUS. Tom?

Mr. COSTON. I think we're moving as rapidly as we can or as we should. I agree with Cliff, I think that real recovery depends on bringing the various parties involved in recovery along with us on this, and to do it unilaterally or to seem to do it unilaterally is probably going to really over time make recovery slower and will be to the disadvantage of the bear.

Senator BAUCUS. Dean?

Mr. STEPANEK. I can't add anything without repeating, Senator.

Senator BAUCUS. OK, thanks, John?

Senator CHAFEE. Thank you. I'd like to ask a couple of questions. First, one-sentence answer: Is the grizzly situation here in the Northern Ecosystem better than it was 10 years ago; yes or no?

Mr. CLAAR. From a management standpoint, yes, and from a standpoint of recovery.

Senator CHAFEE. What's the difference between from a management standpoint and from a standpoint of recovery?

Mr. CLAAR. We now have emphasis placed for all our management activity, whether forestry or minerals, where we consider the grizzly bear on each individual case and plan for the bear, and in total for recovery with all of our operations.

Senator CHAFEE. Except that's not true to the Blackfeet Reservation, is it?

Mr. CLAAR. Not entirely.

Senator CHAFEE. They can hunt there.

Mr. CLAAR. That's correct, they can hunt there, but that does not relieve the responsibility of the Bureau of Indian Affairs as we administer the land operations that go on there. We still have to make sure we do not adversely impact the bear to our land management activities.

Senator CHAFEE. You might adversely affect it if you shoot it, wouldn't you?

Mr. CLAAR. That's possible.

Senator CHAFEE. Possible, I'd say it's highly probable.

Mr. CLAAR. Some of the tribal members do shoot grizzly bears. One of the weaknesses we have on that reservation, as opposed to the Flathead Reservation, we have not been able to have a biologist stationed on the Blackfeet and get the extensive information that we need, as we have on the Flathead, where we have a management plan since 1981, and the tribe on the Flathead Reservation have in fact closed hunting, as I've pointed out.

Senator CHAFEE. Better, worse, or the same?

Mr. MARTINKA. I'd say we are distinctly ahead of where we were 10 years ago. There's very little doubt in my mind. I think the bear is better off and I think the interagency effort that has developed over the last 10 years has been unusual, if not unique.

Senator CHAFEE. Galen?

Mr. BUTERBAUGH. I'd have to repeat what Cliff says exactly.

Senator CHAFEE. Tom?

Mr. COSTON. I agree.

Senator CHAFEE. Mr. Coston, let me ask you a question. You said in your testimony that the most important single group in the recovery of the bear is the public, and you also said that you have plans to educate the public on not attracting bears, and educating them on the disposal of garbage and so forth. I take it that that is those within, obviously, the Forest Service lands, and you have plans to do this. If the public is so important, it would seem to me it's important to get on with this educational process, isn't it? I don't want to be harsh, but I guess my real question is, where have you been on this?

Mr. COSTON. In the first place, we're recovering the bear at the request or at the edict of the public, and so my observation and my contacts with most people that visit the national forest want to do the right thing. They want to get along, they want to coexist with the grizzly bear, and they want to know how to avoid the conflict-type situation.

We have been actively pursuing a public education program; that also has been part of the interagency effort. The IGBC coordinated that effort. I think we're at a point now where we've reached a plateau, however, in public education, if you will, and I'm not sure I like that word too well.

Senator CHAFEE. I don't want to be quoting you wrongly, but I thought you said in your statement—I may be mistaken—you're starting this procedure as far as the homeowners and where there are private homes within your area on the proper disposal of their garbage and so forth. Am I mistaken?

Mr. COSTON. That's part of the present ongoing program. What I meant to say was that I think we need to elevate that to a higher level and continue to provide greater emphasis on public education.

The West Yellowstone area is probably the best example we have of trying to educate the local people within the community and how to handle garbage and so on and to avoid attracting bears into town.

Senator CHAFEE. Mr. Flynn in his testimony indicated that they weren't getting the section 6 funds in Montana, but they're getting some, he wasn't sure how much. I must say, in your statement, Galen, I was impressed by how small the section 6 funds are. I mean, you're talking $33,000 or $57,000 annually for Montana or Wyoming, something in that area. It's a fairly modest amount in the big scheme of things, and they're so small because that's an appropriated fund, that's not a designated fund.

Mr. BUTERBAUGH. That's correct.

Senator CHAFEE. And so the figures you gave seem to me that based on what Montana, what Wyoming was getting, Montana was getting about its share in the circuitous route around section 6.

Mr. BUTERBAUGH. They are getting a fair share of what the other States get. Now, with section 6 funding plus the high priority of the bear, it's conceivable that Montana would get more.

Senator CHAFEE. They could get more. I see. Obviously we're going to get testimony on the killing and the hunting or not hunting of bears in Montana. You pointed out in your testimony, Galen, that when you take out those that are killed through poaching or in other ways by, for instance, hunters, I think you said last year the number was 20; is that correct?

Mr. BUTERBAUGH. I believe on the average they take about 10 a year by hunting.

Senator CHAFEE. I thought it was 20.

Mr. BUTERBAUGH. On the average, they take 20 a year by all causes. The maximum is 25, but they usually cut it off a little short, and many years they don't get close to that on all causes, so I think it's 10 for hunting and 20 that are normally taken.

Senator CHAFEE. Let's see, here is your statement.

> An upper limit of 25. . . . During the course of the season, the state stops hunting prior to the 25 . . . total number of bears killed annually has average 20, with the number taken by sport hunting averaging 1 per year.

OK. Now, just so we get this in some form of perspective, how many in Wyoming, for example, are killed through means other than hunting? They don't have hunting, so how many in Wyoming, roughly, if you've got the statistics, are killed by poachers or by your folks or in some other fashion?

Mr. BUTERBAUGH. May I turn to Dr. Servene for that?

Dr. SERVENE. I believe the number is somewhere between four and six on the average, Senator.

Senator CHAFEE. I see, all right. How many grizzlies are killed on the Blackfeet Reservation, Mr. Claar, every year?

Mr. CLAAR. Senator, if I could turn to one of our people from the Blackfeet Reservation, Mr. Ted Hall.

Mr. HALL. We haven't had a grizzly mortality for about 2 years. We did have some 2 years ago with regard to some sheep.

Senator CHAFEE. Excuse me, I missed that.

Mr. HALL. The answer is zero for the last 2 years.

Senator CHAFEE. Zero?

Mr. **Hall**. May I say something? The hunting issue, there's no ordinance or regulatory factors up there with regard to grizzly bear, and the impression shouldn't be left with you that the Indians indiscriminately hunt bears up there, because they don't. Thank you.

Senator **Chafee**. Let me ask any of you this question, but I'll start with Galen. The proponents of hunting contend that hunting teaches, as I understand one of the arguments, is that hunting teaches the bears to be wary of people, and thus you reduce the chances of bear-people encounters that produce all the problems, or major problems that we're dealing with.

At first blush, this seems to have problems. If the bear is hunted and it's killed, it would obviously be wary, but it would also be dead. How does that work, that you get a bear more wary when it's hunted? A shot goes by and it then becomes wary and teaches its cubs, or how does that work?

Mr. **Buterbaugh**. Well, there would be a considerable amount of argument among the professional bear biologists on this issue, but I think, at least personally I feel that there is some merit in that. It's happened in other species, they become wary when they're hunted compared to when they're not hunted, and obviously you have to have enough animals to use that on. You can't start with a very low population that's in serious trouble and then you shoot them all off before they learn. But over a period of time, I think bears that are shot at, either the noise or if there's something negative that they associate with human beings, they're going to stay away from them. And getting shot at and chased around can do that, and they would certainly teach their cubs then to stay away from human beings.

We notice a great deal of difference in various sows and how they teach their cubs, a great deal of difference. In those cubs you can almost predict how they're going to react based on how the sow reacts, how she teaches them and how she uses them.

Senator **Chafee**. I wasn't making slight of that, I think there's probably a lot of merit to it. And do you agree?

Mr. **Martinka**. I definitely have to agree with that. While we haven't done much in the way of scientific testing, one way that that could be viewed is by looking at the situation in just the opposite and look at a national park where hunting has been eliminated and observe the behavior of bears under those circumstances. There's no doubt in my mind that there's a difference, and in fact, no hunting may be the biologically unique situation rather than hunting.

Hunting seems to be a legitimate use of that particular resource and probably reflects the interaction between people and the bears for thousands and thousands of years.

Senator **Chafee**. Tom, what do you say?

Mr. **Coston**. I would agree. We're supportive of the concept of hunting grizzly bears at a biologically sound level. I think it's reasonable to assume that to take off on a point that Jim Flynn made earlier, I think in response to a question about why bears were coming down along the front, I think as its populations are recovered that we'll see movement of bears out into—outside presently occupied habitat, and they'll either—and probably they will set new populations in those areas.

I think hunting would be a valuable management tool in handling bears in those areas that protection of the bear is provided for, but that the habitat and the bear is not necessary for the survival or the recovery in those presently unoccupied areas.

Senator **CHAFEE**. One of the reasons I'm interested in this is, as Galen knows, 2 years ago we held some hearings in Cody dealing with the Yellowstone Ecosystem and the grizzly, and it does seem they're doing a lot better up there than they are down there. Now, there's a whole host of factors involved, and I'm not saying what it is, but it's interesting at least to one person to see the different situation, and what happens to be a healthier return of the bear and the grizzly in a better situation here than down there.

Wouldn't you agree with that, Galen?

Mr. **BUTERBAUGH**. Yes, sir, I would.

Senator **CHAFEE**. And again, it's a whole variety of factors.

Senator **BAUCUS**. Not to spend too much time, I agree with that, but why is it? Just seems like the attitude up here is a little different than there. I don't want to get into intrapark system matters, but, Cliff, can you just give us a rough sense, not why is it better, but why are we doing pretty well up here? Maybe you can answer it that way.

Mr. **MARTINKA**. Well, yes, if you've got 2½ hours. I think we're looking at a couple of things. One is the habitat, we have more of it.

Senator **CHAFEE**. Could you compare, because in doing the habitat, you just can't take the size of the park, you got to take the whole area, the pressure of visitors, a whole host of factors.

Mr. **MARTINKA**. You're looking at a larger area that for grizzly bears is probably biologically more productive.

Senator **CHAFEE**. An area in size that just geographically might be what, twice as big?

Mr. **MARTINKA**. I'm just guessing offhand. Chris might have that.

Senator **CHAFEE**. Including the forest land, wilderness, everything?

Mr. **MARTINKA**. There's some other unique things. In addition to the national park, I think also the creation of the Bob Marshall Wilderness and the wilderness complex that we have in place right now, and then I think the idea of people living with grizzlies for a long time in this neck of the world has been pretty influential. There's obviously a lot of controversy, but people have gotten along with bears for a long time in this country, and we've got good productive habitat that can raise bears. I think it's much more productive than Yellowstone. I can't speak for the Yellowstone ecologists, but my guess is they might agree with that.

Senator **CHAFEE**. I think there are greater population pressures down there than there are here, not just park population, but I mean residential.

Mr. **MARTINKA**. Well, it's an island situation. You're dealing with something like taking a Hawaii Island and it's surrounded by habitat that just wouldn't be productive of grizzlies, because simply people live there. Whereas in this country, not only do we have a large area that's continguous with habitat in Canada, it's ecologically a much more stable system.

Senator **Chafee**. Well, thank you, everybody. I must say whoever set up the Bob Marshall Wilderness, I say three cheers for him.

Senator **Baucus**. Bob Marshall. OK. One quick question I have, everybody wants more data, more information, more studies. What can we possibly get that we don't already know that's going to make a difference?

Mr. **Martinka**. Why do you keep looking at the scientist on the staff here?

Senator **Baucus**. I'm sorry?

Mr. **Martinka**. Why do you keep looking at the scientist here? Jim might have a response, but I'll give you one first anyway.

I think we do know a lot about bears. I don't know a species that we've learned more about than the grizzly in, say, the last 10 years. We've put a tremendous amount of effort on the bears, and I think perhaps we need some more. On the other hand, I might make the point that it's a difficult animal to study, that does require large amounts of money, but I think even more important than that, it requires a commitment over longer periods of time, and that we're talking dollars or something like that, that I think I'd rather have fewer dollars but committed over a long period of time.

Senator **Baucus**. We've got lots of other witnesses and not much time left. So, Jim, just quickly.

Mr. **Claar**. Yes, thank you, Senator. I certainly second what Cliff said, and as I mentioned, one of the main data needs that we have is on the Blackfeet Reservation where we've been unable to have a biologist yet, so we do have a need there.

Senator **Baucus**. Thank you all very much. We'll take a 10-minute break now.

[Whereupon, the hearing was recessed.]

Senator **Baucus**. Our next panel will be Jim Richards, Montana Wildlife Federation; Hank Fischer, Defenders of Wildlife; Larry Copenhaver, president, Upper Missouri Audubon Society; Merritt Pride, Montana Guides and Outfitters Association.

OK, let's begin, Jim, why don't you go ahead?

STATEMENT OF JIM RICHARDS, MONTANA WILDLIFE FEDERATION

Mr. **Richards**. I'm Jim Richards, I'm representing the Montana Wildlife Federation. We have a few points that we'd like to make rather quickly.

The first is I want to lay a little background. Montana sportsmen historically have played a very key role in the preservation of all wildlife, including the grizzly bear. We've played that role by providing both financial and political support for public agencies that had to make the tough decisions. The State wildlife agency over the years has done what we've done toward good management and towards protection of habitat, largely because the citizen sportsman has been there with his dollars and with his political support.

There's another group among the many that have played a real role in protecting the grizzly bear, and we don't give this group enough credit. And I'm talking about the landowners that live along or in grizzly country. The landowners, especially those along the Rocky Mountain Front, are extremely tolerant. They're tolerant of risk that their families and their properties face, this year we've had the real opportunity for increased bear-man encounters, and even in the face of this kind of a situation, those landowners along the front, the other residents along the front have shown extreme patience and tolerance. And to that the Montana Wildlife Federation certainly commends them.

Because they are so important and that tolerance is so important, there are things such as compensation for property losses, financial help to help relocate agricultural facilities that may be right in key areas and other management practices that the wildlife federation thinks we all need to take a look at, and those that seem to be effective need to be implemented.

I might mention that the Montana Wildlife Federation supported a compensation bill for grizzly bear damage in the 1983 session, and we're committed now to try to help those landowners live with that bear. If those people ever become intolerant, I think we're going to have a lot tougher time saving the bear. We believe that hunting of the grizzly bear is a proper management tool. We strongly favor it. We believe that the grizzly bear is a renewable resource, and as such, where there are surplus animals, that sport hunting of the grizzly bear is the most appropriate way of reducing those excess animals and trying to minimize again property loss and problems for landowners.

Therefore, we're concerned about the setting of seasons, quotas, and regulations. Regardless of the regulating agency, we insist that those seasons and those quotas and those regulations be established in absolute and honest, open and public arena. The sportsman not only is the regulatee, so to speak, he also foots a big part of the bill for grizzly bear management, a lot of it for research, and any proposes at any level which leaves him out disenfranchises the sportsman and the public in general. And therefore, such a process is flawed. We insist that the public in general and the sportsman as a particular interest group be involved in the decisionmaking.

We are concerned about the handling of bears and trying to get more data, and we ask that university personnel, Federal personnel involved in research, coordinate with the State department of fish, wildlife and parks so that we can get the maximum amount of useful information with a minimum amount of handling of the bear.

We plead with the U.S. Fish and Wildlife Service to in good faith reexamine their interpretation of section 6. Last year, the department spent $240,000 on grizzly bear research, and that was funded entirely out of the sportsman's dollars, or at least between license fees and the excise tax. We have heard from the department of fish, wildlife and parks that between $200,000 and $250,000 could be made available to the department through section 6 money. We consider this a significant amount of money, and we would like to see the department again go back, since it appears to be within the Department of Interior, and try to reexamine and reinterpret the problem that they see with the State statute which allows landowners to protect their property.

Finally, the bear will probably survive all of the internal disagreements with management if we provide him a good chunk of habitat to kind of do his thing. Right now, Montana is blessed with that kind of expanse. Cliff Martinka talked about the importance of large expanses of area. We have that in a combination of Federal and State lands.

One of the things that we believe is going to have to happen is that Congress is going to have to make some tough decisions regarding wilderness allocations. Federal agencies, especially the land management agencies, are going to have to make some tough decisions with regard to the management of nonwilderness lands.

I might mention that over there on that board, the colored map represents the areas that are considered—the areas in yellow are areas the Montana Wildlife Federation, as well as other conservation groups, are advocating that those lands be designated as addition to the Bob Marshall complex.

If you go closer, you can see that there's some indications of where the bear activity—denning, spring range, those kinds of things—you'll see that almost in an entire Rocky Mountain Front this side of the Bob Marshall provides key vital habitat, and it's that piece of property that the wildlife federation is encouraging be designated as wilderness.

As I mentioned, nonwilderness lands need to be managed for the bear, and nonwild land areas under the authority of Federal agencies need to be managed to protect the bear. And finally, those private lands that apparently serve an essential need in providing for this bear population needs to be managed at sound land use practices, and where incentives are helpful, the wildlife federation advocates some kind of incentives be provided to private landowners to help them do what they've done historically, and that is to protect the bear.

Senator **Baucus**. OK, thank you very much, Jim. Next, Hank Fisher. Hank?

STATEMENT OF HANK FISCHER, NORTHERN ROCKIES REPRESENTATIVE, DEFENDERS OF WILDLIFE

Mr. **Fischer**. Thank you, Senator Baucus. My name is Hank Fischer. I'm the Northern Rockies field representative for Defenders of Wildlife. I have with me Brian O'Neill, who is a member of our board of directors, and was also the lawyer in the Minnesota wolf case that you've heard about.

I wanted to start off by giving a little bit of our view of endangered species recovery, because I think it's germane to the issue. When I hear people say endangered species placed on the list are going to be there forever, I worry about that, because I think it's very important for people to understand that endangered species recovery is a positive process, and it was, at least in our view, the intent that endangered species recovery would proceed in an expeditious fashion. If one accepts the premise that it's a policy of our Government to recover threatened and endangered species, then it makes sense for everyone to do that as quickly as we can.

Our current situation in the Cabinet ecosystem, for instance, the Cabinet-Yaak ecosystem, is a situation where really nobody is being benefited, because the bears are in such extremely low level that restrictions are necessary on a number of other public land users. And at the same time, bear levels are staying quite low.

I wanted to address specifically the grizzly bear hunting issue that we've been involved in closely, and I'd like to start with that by helping you understand why we think grizzly bear hunting in Montana is such an important issue.

We feel strongly that minimizing grizzly bear mortality is extremely important because of the grizzly bear's low reproductive rate. The grizzly is unique among land animals with this low productive rate, and that makes it more susceptible to excessive mortality. Just to give an example of that, Dr. Richard Knight wrote a paper last year for the Journal of Wildlife Management, where he concluded that the difference between the present decrease in population in the Yellowstone ecosystem and a healthier recovery population may be only the difference between one or two adult female bears. The northern ecosystem is certainly larger, not as isolated, and a better quality habitat than Yellowstone, but still the same population dynamics and the same caution is in order.

It's not my intent to come here and argue with people about whether hunting is a proper management tool, because that may be the case in the proper circumstances. Our question is at what point it's appropriate to inflict additional mortality on populations that may already be significantly stressed.

I wanted to give one example just so that you understand a little bit better the kind of situation we're concerned with. I want to make it clear that our concern isn't with populations that are overly abundant. Our concern is with populations that are depressed or depleted. The special area I'd like to talk about is the Badger-Two Medicine drainage just south of Glacier National Park, where a proposed oil and gas well has been suggested to Hall Creek APD. According to research data from the area, the population is clearly not near current capacity. According to a Forest Service environmental assessment, where there should be 22 bears, there's been 6 bears.

The Fish and Wildlife Service in their biological opinion on the Hall Creek APD characterized the population in Badger-Two Medicine as severely depressed, and the Forest Service recommended as one of its mitigation methods that no grizzly bear hunting be allowed in any unit where the population wasn't at carrying capacity.

We think hunting in an area like this is both unwise and unlawful.

Others have voiced concern about the grizzly bear hunting season in the State, and the State of Montana is now undergoing a comprehensive EIS on the topic, and I want to make it clear that we applaud that effort and we think that will provide some long-term solutions to the problem. We understand that both the State of Montana and the Fish and Wildlife Service will be putting forth new regulations and new quotas for the 1985 season and will be issuing new restraints on the taking of grizzly bears in the northern ecosystem.

Now, we want to make it clear that we think there's still problems with the seasons as they're being proposed, but at the same time we also want to make it clear that we've seen considerable progress during the last year in correcting some of the past problems. In our view, it seems that the problem with the 1985 season has been resolved at this point. If the emergency rules proposed by the Fish and Wildlife Service are carried through as represented to us, then it's clear that we won't need to sue, and we have no intent of filing any legal action. We will continue to be actively involved and cooperative in dealing with the State's EIS process over the next couple of months so that we can address further the problems that we see through that EIS process.

Again, we think it's healthy, the numbers are going to be out on the table for everybody to examine and for everybody to have a chance to respond to, and we think that's the way it should work. In that same respect, we think the standard in the Endangered Species Act is a sound standard, and we think that it's successfully stood the test of time over the last 10 years. We think it's continuing to serve as a good commonsense standard, and we've seen no good reasons to change that.

I wanted to touch briefly on a couple of other areas that we're quite concerned with. First of all, is population augmentation. As I mentioned earlier, we think recovering populations in an expedient manner is important and one of the key tools for recovering populations that may be at very low levels is population augmentation, and we want to make it clear that we support very strongly that concept.

I wanted to also talk about compensation programs, especially since Senator Baucus brought that up. I couldn't agree more with your sentiments that it's an untenable situation where ranchers have no alternative when a threatened or endangered species is killing their livestock. While I wouldn't agree that the solution is to allow the livestock operator to kill that animal, simply because we wouldn't have guarantees at that point that too many animals might be killed, I do think it's unreasonable not to compensate the landowner in some way. And a key point in this respect is that the amount of money that we'd be talking about in terms of compensation is really quite low. While there aren't good records for the average losses of livestock in the northern ecosystem, my discussions with different Forest Service and Fish and Wildlife personnel have put the figures at around 12 sheep per year and 3 cows per year, and I think a compensation program, not only where we take care of that livestock but where we guarantee we get quick response where there's problems, will go a long way in speeding up the recovery effort.

Now I'd like to make it clear that I have confidence that the recovery effort is proceeding at pace and that Federal agencies are doing a good job, State agencies are doing a good job. But we have a few problem areas that we're still working on.

One of the big problem areas would be resolved through a Montana wilderness bill through the addition of key areas along the Rocky Mountain Front. As this map indicates, you can see just how critical that habitat is to grizzly bears.

Senator Chafee, if you're saying three cheers for the Bob Marshall, I ask you for three cheers for these additions to the Rocky Mountain Front. They're equally critical. In fact, Dr. John Craighead, who is one of the primary grizzly bear experts, has termed these lands the most vital lands in Montana for wilderness annexation.

Senator CHAFEE. Well, we'll certainly give them three cheers, too.

Mr. FISCHER. One problem is the oil and gas leasing situation, and in fairness, I'd have to say that some of this problem is a legacy to earlier times when we didn't have the commitment to grizzly bear management and recovery we do now. Many of these leases were issued several years ago, and now they're coming due at a time when we're more sensitive to the need to control where this leasing takes place. And, for instance, the leasing in the Hall Creek area and particularly in the Badger-Two Medicine drainage, I think we're seeing that a better solution at this time would be able to defer those leases until a time when we have a recovered population, and then we could once again consider whether those leases are a good idea or not. We're proceeding with the forest planning process, and the Forest Service is doing a good job in some circumstances of laying out positive recovery plans on national forests. Some national forests aren't coming along as fast as others, but I guess that leaves plenty of room for us.

And another problem I want to address quickly is the illegal mortality problem in the northern ecosystem, because that's an area where our organization plans on spending a great deal of time in the next year on focusing on trying to reduce the amount of illegal killings in the northern ecosystem. We have a very large number.

One last word I'd like to make on funding for grizzly bear programs, it's clear that we're approaching some of the authorization ceilings for endangered species funding, at least from some of the recommendations from the House Appropriations Interior Subcommittee, and we think that it would be important for your subcommittee to approve increases in the authorization level to ensure we have adequate funding in fiscal years 1987 and 1988.

Senator CHAFEE. I missed that. What was that on the section 6?

Mr. FISCHER. No, that's the general authorization level, which would include it.

Senator BAUCUS. Is that it, Hank?

Mr. FISCHER. Thank you.

Senator BAUCUS. OK, thanks, Hank, very much. Next we'll hear from Larry Copenhaver. Is Larry here?

Mr. COPENHAVER. Thank you, gentlemen.

Senator BAUCUS. Again, your complete statement will be in the record, so rest assured that it's not going to be lost. I'm urging you to sum up here.

STATEMENT OF LARRY COPENHAVER, PRESIDENT, UPPER MISSOURI BREAKS AUDUBON SOCIETY

Mr. COPENHAVER. Thank you. I'm Larry Copenhaver. I'm president of the Upper Missouri Breaks Audubon Society, which is a chapter of the National Audubon Society. I am speaking here today on behalf of my chapter and Audubon's half million members nationwide. There are 5,000 members of Audubon in Montana, giving this State the highest per capita membership in Audubon in the country.

To begin, Mr. Chairman, I'd like to give the committee a brief summary of Audubon's contributions to grizzly bear recovery. Our programs have included a cash reward for information leading to the arrest and conviction of grizzly poachers, education of the public, including television programs and articles within Audubon magazine itself, fund-raising from corporate donors for projects benefiting grizzlies and human safety, such as the clean-up of garbage in West Yellowstone, MT, lobbying State legislatures and Congress for increased funds for research and management of grizzlies by State and Federal agencies, commenting on Forest Service habitat management, forest plans and other Federal actions, encouraging cooperation between Government agencies through the IGBC, and encouraging the removal or bear-proofing of garbage sources in grizzly habitat.

The highlight of our program worth describing a little bit in detail is a grizzly bear reward program. Audubon initiated its involvement in grizzly bear recovery in 1982, and we announced a reward of up to $15,000 for information leading to the arrest and conviction of anyone illegally killing a grizzly bear. To date, we have paid $7,000 in rewards resulting from two convictions. These convictions apparently have served notice on would-be grizzly poachers. Known illegal kills of grizzly bears in the Yellowstone area dropped from seven in 1982 before the reward to zero in both 1983 and 1984. During the recent Operation Trophy Kill, it was revealed that professional poachers were staying away from killing grizzlies because of Audubon's reward, despite their willingness to engage in a massive underground market in other species of wildlife. I will speak later on the law enforcement program that was taken up in the Yellowstone area.

Fundamental to all of Audubon's efforts is a basic principle. We believe that the grizzly can and should be managed on a multiple-use context. We recognize that the grizzly cannot be the exclusive management priority of every area wherein it exists. Conversely, we believe that in order to provide for the eventual recovery and delisting of the bear, some other resource uses will have to be curtailed or limited. The question is one of balance. We do not advocate locking up large tracts of grizzly habitat any more than we advocate business-as-usual timber harvesting and road building. Again, the issue is balance and sound multiple-use resource management and planning.

We believe that the Interagency Grizzly Bear Committee provides the most appropriate forum for finding this balance. One of our highest priorities is to encourage cooperation and coordination between the numerous State and Federal agencies involved in grizzly bear management. We have strongly supported the IGBC as the principal forum for the coordination of grizzly bear policy. The IGBC has proven itself up to this challenge time and again. Where before controversy and interagency turf fighting once dominated and paralyzed grizzly bear management, there is now a working, responsive, professional and credible system for addressing the full range of issues that beset the grizzly. This in itself is a significant accomplishment.

We have tailored Audubon's programs to be in concert with the management priorities defined by the IGBC. For instance, we have worked to eliminate the last vestiges of unsecured garbage from the Yellowstone ecosystem. The IGBC has determined these garbage sources as among the most significant causes of human-bear conflicts and grizzly bear mortality in the ecosystem. We recently obtained a $10,000 grant from Burlington Northern Foundation to help with the purchase of bear-proof dumpsters for West Yellowstone, MT. We are very optimistic that other corporate donors will be forthcoming soon also to help clean up west Yellowstone.

Based on resource and management needs identified by the IGBC, we have determined our lobbying priorities. We successfully lobbied for an increase of $200,000 to the Fish and Wildlife Service's fiscal year 1984 budget for two law enforcement agents to be detailed in Wyoming and Montana to investigate grizzly bear cases. We also secured an increase of $800,000 for Forest Service grizzly habitat management programs.

Last year, Congress directed the Fish and Wildlife Service to spend $200,000 in fiscal year 1985 on four management-related research projects, and that this money be reprogrammed out of the existing budget. This appropriations bill also included a rider containing language that restricted the development or implementation of proposals for the augmentation of the Cabinet-Yaak grizzly population. The rider also included a requirement for public meetings for the review of the Interagency Grizzly Bear Management Guidelines. These meetings are proceeding and are serving a beneficial function. We believe that it is essential for the public to participate in the management of public lands and wildlife resources. These meetings, the publication of the guidelines in the Federal Register and the public comment period will ultimately serve the interests of the bear and the people living in grizzly habitat.

Now that the question of public participation is being dealt with, we should proceed with the development of an augmentation plan for the Cabinet-Yaak ecosystem.

Senator **Baucus**. Could you kind of wrap it up there a little bit, Larry, get to the main points you're trying to make there?

Mr. **Copenhaver**. It should be noted that augmentation does not mean dumping bad bears from Glacier Park or elsewhere into the Cabinet Wilderness. We would call for the use of good bears that have no history of conflicts with humans, probably to be adult females, whereas the adult males would offer little benefit to the population's genetic and demographic base and would be more likely to get in trouble with people.

This year Audubon is asking the Appropriations Committee to include a $120,000 increase to the Fish and Wildlife Service's fiscal year 1986 budget for an expanded law enforcement program in the northern Continental Divide ecosystem. Illegal killing continues at a high level in the northern ecosystem. From 1980 to 1984, there were 40 known illegal kills in this area, and this does not include unconfirmed kills. It is suspected that the number of illegal killings on the Blackfeet Reservation may exceed the number of known killings cited above.

Finally, we are asking $50,000 to be appropriated to the Bureau of Indian Affairs to fund the Flathead management and research program. The Flathead Reservation is the only reservation with endangered species management plan. These funds are needed for managing the grizzly bear habitat on the reservation.

The last subject I will cover is Montana's grizzly bear hunt. This issue has generated much controversy lately. Nevertheless, I think it is fair to say now much progress has been made toward a workable compromise. We are particularly pleased with the willingness of all sides to work toward this compromise.

I would like to single out the State of Montana for its efforts to openly evaluate its grizzly management program through the EIS it is developing. Audubon applauds the State for the integrity it has displayed throughout this difficult process.

We are reserving judgment on what the particulars of a hung should be until we have an opportunity to review the Montana Fish, Wildlife and Parks Department's EIS. In general, we support a grizzly bear hunt in Montana, but it must be conservatively formulated in a way that is biologically and philosophically defensible before the scientific community, the courts, the people of Montana and all other Americans.

In closing, Mr. Chairman, it has become abundantly clear to nearly everyone how important adequate biological information is in developing management strategies for species such as the grizzly. I think everyone would agree that the data base is inadequate at present to prescribe a conservative hunt, and to be confident that one hasn't erred too far in one direction. By necessity, we now have to lean toward erring in favor of the bear. Until additional funding is made available to study the population status of the northern Continental Divide ecosystem outside of the Mission Mountains and the Rocky Mountain Front, this conservative assessment will have to be our approach.

Thank you very much.

Senator BAUCUS. Thank you very much, Larry. Next, Merritt Pride.

STATEMENT OF MERRITT PRIDE, VICE PRESIDENT, MONTANA OUTFITTERS & GUIDES ASSOCIATION

Mr. PRIDE. Yes; Merritt Pride with the Montana Outfitters & Guides Association.

The hunting of grizzlies in Montana without interruption since the first explorers found their way up the Missouri River. To date, Montana has the only huntable populations of this unique animal in the United States with the exception of Alaska. Since 1975, there has been an average of 18 bears killed per year by all causes in Montana, and of this 18, only 8 to 10 have been harvested by hunting. It is extremely important that the management of grizzlies be left in the hands of the Montana Department of Fish, Wildlife and Parks, and not by agencies in Washington, DC, far removed from the premises.

There is documented evidence in the literature that the removal of older, unproductive females and aggressive males from a bear population increases productivity and subsequently improves viability to ensure survival of the species. Limited hunts are, therefore, not only a sound biological practice, but must be maintained as a management tool available to the Montana Department of Fish, Wildlife and Parks.

In areas of Montana where bears are not hunted, there have been over 60 people killed or injured in the last 10 years. However, in the Bob Marshall Wilderness where bears are hunted, there has only been one person injured in the same time period. Unhunted bears, such as exist in the Yellowstone ecosystem and Glacier Park, become bold and very aggressive and consequently are a greater threat to the welfare of backcountry users.

In the absence of hunting as a management tool, what will the State of Montana do with excess or problem bears? There are no other States or Provinces of Canada that will currently accept any bears unwanted by the State of Montana. Areas such as the Rocky Mountain Front and the Yellowstone ecosystem offer prime grizzly habitat. The populations in these areas should respond to the recovery program at a faster rate than areas with less desirable habitat. However, these areas afford a high probability of human-bear conflicts, and currently hunting as a management tool is not available to the Montana Department of Fish, Wildlife and Parks under the present policy.

I think it would be a grave mistake to take away the management of the grizzly from the Montana Department of Fish, Wildlife and Parks and abolish a sound management tool such as controlled hunting.

That's all.

Senator BAUCUS. Thank you very much, Merritt. As I understand it, you're basically saying that a recovery program should move more quickly so that there can be more hunting?

Mr. PRIDE. No; I'm saying that the Rocky Mountain area is one of the prime grizzly bear habitats in the United States. If you take areas of less desirable habitat, they should respond quicker there, because there's a better habitat for reproduction. But there is no controls, there is no hunting there currently allowed at the control through the department, and there is a high conflict there, much higher probability of a conflict in the front than there would be in the interior of the Bob Marshall.

Senator BAUCUS. Hank, what's your interpretation of the section 6 funding question? Do you think that the department could reach a different interpretation, or do you think it's required by law to not allow any section 6 funds to be available? I ask you probably because you haven't furnished anything.

Mr. FISCHER. Maybe I should let my attorney answer.

Senator BAUCUS. Either or both, whatever you think.

Mr. FISCHER. My feeling on it is that it seems like the law is the law on it. I think Senator Chafee probably has the right idea. It seems like a lot of that money is reaching the State. Anyway, it's never been clear to me how much that amount is, and if it's significant, then it may be worth going through all the hoops to do something about that. But otherwise, I don't know if it is.

Senator BAUCUS. I ask the question because when Senator Chafee asked the other witness, it sounded as if more section 6 money were available. The question is how many more dollars, whether it's worth the effort to focus on this question or not. I asked that question of the director, Mr. Flynn; he seemed to think it was worth the effort. I'm just curious whether in your view the law is the law, or can the Department reach a different interpretation without changing the law?

Mr. **Fischer**. I certainly agree it's worth the effort if we could get more funding. I don't have any problem with that.

Senator **Baucus**. Ask your lawyer. Would you please give your name for the record?

Mr. **O'Neill**. My name is Brian O'Neill.

Senator **Baucus**. You're an attorney?

Mr. **O'Neill**. I am an attorney. I think it's absolutely foolish for the section 6 funds to be squirreled around the way they are. The disagreement has no actual impact on the ground at all, because the Federal law preempts the State law. A rancher or a livestock harvester is unable to kill the bear anyway, so you're fighting about nothing.

So I think the Department ought to reevaluate its position, if the section 6 money ought to go directly to the State.

Senator **Chafee**. What Department; the Department of the Interior?

Mr. **O'Neill**. The Department of the Interior. It's a silly fight that results in a lot of machinations that waste everybody's time.

Senator **Baucus**. While we're on that point, though, I'm wondering whether the law should be changed to allow a livestock owner to shoot a bear when the bear is destroying his livestock? Listening to you, Hank, you seem to think that the livestock owner should not be allowed to shoot a bear that's destroyed his livestock, but there should be some kind of compensation program. Well, the obvious question that comes to mind is what about all the redtape that will be generated trying to prove to some bureaucrat that the sheep was actually destroyed by a bear and not by some other reason. I can see all the forms that would be filled out and all the time spent trying to reach not only the value but to get compensated. Knowing a lot of ranchers, I can tell you that's going through their minds, and legitimately so.

Mr. **Fischer**. I can't argue with that.

Senator **Baucus**. How many bears would be shot? In your testimony, you said that usually a bear destroys more than one sheep, so if the landowner were able to legitimately shoot a bear that is actually destroying his stock, how many bear would be involved each year, as a practical matter?

Mr. **Fischer**. I think it's impossible to tell that, but I guess part of it is I think it's fostering an attitude that you want to be responsive to landowners' concerns. What we're trying to get at is that, you know, I think a landowner is more likely to tolerate having a bear in the area knowing that he can get compensated if his livestock is lost. In other words, he won't feel as much like he has to get into preventive action, to prevent his livestock before something is actually taken.

I think it fosters more of an attitude of being able to live with bears if the individual has to suffer the direct financial consequences. In other words, it's only fair I think for the public to bear that broader expense.

Senator **Baucus**. Anybody else have a reaction to that question?

Mr. RICHARDS. Maybe it's two different issues. The first is whether or not the interpretation can be changed, which I understand can be done within the Department because it's not involved in the judicial system or some other entity, simply to allow the funding to come forward. Now, probably one of the most effective ways that the Fish, Wildlife and Parks can really meet its commitment to saving the bear is to get some really decent funding for research. Whether or not we ought to change the State law probably can open an entirely different arena, and I'm not sure that we have to wrestle with that arena simply to get section 6 moneys into Montana.

As I've mentioned, John Green of the U.S. Fish and Wildlife Services has estimated that funds will be between $200,000 and $250,000 which equals the current amount that the Department is spending. That's a significant amount of money, and it's really worth trying to work through this problem.

Senator BAUCUS. Hank, why are you so opposed to a hunt? I hear Jim say a hunt is OK, Larry says a hunt is OK, Merritt says a hunt is OK, you say not. Why not hunt?

Mr. FISCHER. Well, I want to make sure you understand how we're talking about hunting. We're talking about hunting where populations are unable to sustain. That's the differentiation.

Senator BAUCUS. Wouldn't the State try to figure out where to allow a hunt and where not to allow a hunt?

Mr. FISCHER. That's exactly what the argument that's been going on here for the last year is—defining of their areas more carefully. I think essentially what you have, you have three situations. You have situations where we have data that shows populations are declining or depressed, we have data where it appears populations are doing well, then we have areas where we don't have any data at all, and we don't know what's going on. We're concerned about two of those areas.

Senator BAUCUS. So in your view, where the bear are doing OK, in your view, the defenders view, that hunts be permissible?

Mr. FISCHER. We don't have any problem with hunting where populations are overly abundant.

Senator BAUCUS. OK. John?

Senator CHAFEE. I'd like to ask a question on that specific matter. Does Montana currently allow grizzly hunting anywhere in the State, or do they restrict it? Do they say you can't hunt in the Badger-Two Medicine area but you can hunt in the Rocky Mountain Front area?

Mr. FISCHER. When the bear was first listed on the threatened list in 1975, the Fish and Wildlife Service designated the parameters of where hunting could take place, and it was in the Bob Marshall and on part of the Flathead National Forest that they designated. And the State then had the ——

Senator CHAFEE. So they do designate?

Mr. FISCHER. Well, the State had the ability to designate at that time within those areas.

Senator CHAFEE. Well, doesn't that meet your problem?

Mr. FISCHER. As a practical matter, no, it hasn't, because the hunting has occurred throughout the eco, throughout the available part of the ecosystems, with a couple small exceptions.

Senator CHAFEE. I'm not sure I get you. You say they can do it but they don't do it?

Mr. FISCHER. Well, it's an evolutionary process here, and in the past year we've seen some changes in that direction, to limit hunting in some of these areas where populations aren't doing well. But in the past, there have been problems with hunting seasons being authorized in areas where populations weren't doing well.

Senator BAUCUS. Well, as I understand it, in Cabinet-Yaak, there's no hunting.

Mr. FISCHER. No, I'm talking about the Bob Marshall system.

Senator BAUCUS. This ecosystem here.

Senator CHAFEE. I'd just like to echo what Jim Richards said that the tolerance of the landowners is absolutely essential for this to succeed, and so when we're paying tribute to different people, I think that the tolerance of the landowners should be acknowledged. And we don't want to strain that tolerance too far.

You mentioned, Hank, the illegal mortality, and you're going to try to do something about it. How can you do something about it; ask the Forest Service to close the roads more?

Mr. FISCHER. Well, part of what we're doing and what we're going to work on in the next several months is we've been developing some maps which show where the illegal mortalities have occurred over the last 10 years, and we think that it demonstrates pretty clearly that these mortalities occurred in specific areas on a year-in-and-year-out basis. And what we're proposing, what we will propose to the Forest Service is for them to designate a specific program to deal with these illegal mortalities. And in other words, we want to start a process in place where, you know, the agency first proposes how to deal specifically with these problem areas for illegal mortalities, and then at that point I think we'll offer comments on other ways that that might be done as well.

Senator CHAFEE. One of the questions that's come up here and Senator Baucus touched on it with the last group of witnesses, and I think Mr. Copenhaver, in his testimony mentioned the data base as being inadequate, and that means more studies. And one of the problems that we've had mentioned to us is that more handling of these bears creates more problems and these studies seem to go on forever. Is there a limit to these studies?

Mr. COPENHAVER. Well, at this present time, I know that the Forest Service is developing a system for which they will plug quite a bit of data into a computer, but this information has not all been collected, although they're using satellites and on-foot type collecting. I think it's an ongoing process of the programs that are in order right now. Future studies, perhaps once this data is collected, which it has not been, will be able to draw upon those data banks to do their own studies. So therefore, the study that you're talking about, perhaps ad infinitum, may not be necessary or even requested.

Senator CHAFEE. You're saying you take the existing studies and compile them somehow?

Mr. COPENHAVER. Once they are complete, yes.

Senator CHAFEE. In your statement, you talk about from 1980 to 1984 there were 40 known illegal kills in the northern ecosystem. It is suspected that the number of illegal kills in the Blackfeet Reservation and adjacent land may even exceed the number of known kills cited above. How can there be an illegal kill on the Blackfeet Reservation when it's not illegal to kill up there?

Mr. **Copenhaver**. I must admit that's a good question, but within the bordering Forest Service land next to the Blackfeet Reservation, because of the extreme absence of grizzly bear and suitable habitat, it would imply, or you can infer from such information that the kills are being taken illegally. Registered kills that are compiled by the Department just don't reflect this absence of grizzly bear, for instance in the Badger-Two Medicine and that Hall Creek area. It would seem obvious, and some of this is from hearsay and the local populace as to how much killing surrounds the reservation. I must admit the data isn't there.

Senator **Chafee**. This gentleman indicated that that on the Blackfeet Reservation in the past couple years there hadn't been any killings of grizzlies. I'm interested in why the potential for killings on the Blackfeet Reservation is never brought up. It seems to me, as I look at the map, the reservation is adjacent to the east side of the park, and I should think if you worried about grizzlies being killed, you'd think about that. Why don't people mention that? Because you can't do anything about it anyway?

Mr. **Richards**. Probably.

Senator **Baucus**. Well, part of that same question, the Badger-Two Medicine is part of the strip that we're talking about that's on the reservation, isn't it? And so we're concerned about Badger-Two Medicine population, we're concerned about seeded strip population, which means we're concerned about areas where there cannot be illegal kills.

Mr. **Copenhaver**. It was my understanding when we spoke on the forest planning process that within the Forest Service boundaries that even the Indians need to follow the Montana Department of Fish, Wildlife, and Parks regulations. I don't know how accurate that summary is.

Senator **Baucus**. Well, we have a BIA person, why don't we ask him?

Could you please identify yourself?

Mr. **Cole**. My name is Norris Cole. I'm the Assistant Director, Bureau of Indian Affairs, Billings, MT.

Senator **Baucus**. What about all this?

Mr. **Cole**. There's some confusion here that maybe I can help you with. Under the treaty as it is written, the Blackfeet Indian people, as it is stated in there, are to follow the State regulations for hunting and fishing on the seeded area. We are looking at that again in a lot of detail to see whether that is truly correct, but as it states right now, the Blackfeet tribal members do follow, according to treaty, State regulations on the seeded area. So I think there is a little mixup there as far as the seeded strip is concerned.

Senator **Baucus**. Does that mean that the Blackfeet tribal policy to follow State regulations insofar as any State hunt would have jurisdiction over that seeded area?

Mr. **Cole**. Now, we're only talking about the seeded area, of course.

Senator **Baucus**. I'm talking about seeded, yes.

Mr. **Cole**. Yes.

Senator **Baucus**. Insofar as the private is concerned, any State hunt has jurisdiction over that seeded area?

Mr. **Cole**. This is as the treaty says now, and they have been following that.

Senator **Baucus**. Thank you.

Senator **Chafee**. Is the seeded area just a portion of the total reservation?

Mr. **Cole**. The seeded area is a portion of the reservation to the west, which included most of the Glacier National Park from the Continental Divide east, plus also a large area of the Forest Service lands which are south of the Glacier National Park.

Senator **Chafee**. So that would be the bear territory?

Mr. **Cole**. That is the territory that, as I understand listening to people, they're talking about in the Badger-Two Medicine area now, not necessarily that area on the reservation proper, as we call it.

Senator **Baucus**. So this is Forest Service land, correct?

Mr. **Cole**. Yes, that is correct.

Senator **Baucus**. Adjacent to the reservation?

Mr. **Cole**. Yes, the seeded strip area.

Senator **Baucus**. That's what we're talking about?

Mr. **Cole**. Yes.

Senator **Baucus**. Thank you.

Senator **Chafee**. You gentlemen worry about the grizzly and there must be an awful lot of reservation that doesn't come under the seeded area, and it's not clear to me why you don't worry about that to a degree.

Mr. **Fischer**. We do worry about that a great deal. In fact, I think the testimony you heard here earlier from Jim Claar about the need for a biologist on the reservation is supported by all of us as well.

Senator **Chafee**. I'm not sure what good a biologist is going to do. Is that going to control the hunting in some way?

Mr. **Fischer**. Well, I think if you look at what the biologists have done on the Flathead Reservation in terms of developing a management program, it's made a big difference.

Senator **Chafee**. Do you all agree?

Mr. **Copenhaver**. I might add also that would go to the data base, which is something we had very little as to how many bears do use that particular area.

Senator **Baucus**. One question, what constitutes recovery? Can anybody answer that? Everybody avoids that question.

Mr. **Fischer**. I can answer that. The Fish and Wildlife establishes that in its recovery plan parameters for recovery and ——

Senator **Baucus**. What's the answer?

Mr. **Fischer**. To quote you the exact numbers, I can't do right off the top of my head. I'm sure Chris Servene could for you, but you should also understand those recovery goals are revaluated on a 5-year basis. In fact, this next year they'll be reevaluated to determine what our recovery goals are.

Senator **Baucus**. Do your recovery goals sometimes go up, sometimes go down?

Mr. **Fischer**. I think they get refined, which means yes, they can go up or down.

Senator **Baucus**. Up or down?

Mr. **Fischer**. Well, based on better information about how many bears it takes to have a recovery population.

Senator **Baucus**. Is there anyone here that can answer that question in the audience as to what constitutes sufficient bear recovery to be delisted? Would you stand up and please give your name?

Mr. **Servene**. My name is Chris Servene. I'm with the Fish and Wildlife Service. There is a number in the current recovery plan which is 560 as a recovered population in this ecosystem.

Senator **Baucus**. 560 in this particular ecosystem?

Mr. **Servene**. That is correct, and that is under evaluation. We're going to review those numbers and refine those with new information that's been gained since 1975.

Senator **Baucus**. So that means double the present population, more than double?

Mr. **Servene**. No; what present population are you referring to?

Senator **Baucus**. In this ecosystem.

Mr. **Servene**. I'm not sure where you get that number from, sir.

Senator **Baucus**. Well, I'm just curious, what's your best guess as to the number of bear?

Mr. **Servene**. I have no idea and I wouldn't want to hazard a guess. I could give you what the estimate is for Glacier Park, and that's 200 bears, and the State has an estimate of about 380 bears outside of Glacier National Park that they have in their EIS.

Senator **Baucus**. Within the ecosystem?

Mr. **Servene**. Within this ecosystem, yes.

Senator **Baucus**. Well, that's 500, there you are.

Mr. **Servene**. And this year we're going to reevaluate those numbers and come up with a better way to determine what our recovery level is, as well as give a recovery level. And with those things together, I think you heard this morning in the manager session that we are approaching recovery in this ecosystem, we just need a better way to refine it and a better way to measure it, and once we can do that in a better fashion, we will be lost to delisting.

Senator **Baucus**. What's a reasonable time within which to expect a definition of delisting?

Mr. **Servene**. We will be finished with this by April 1986.

Senator **Baucus**. April of 1986?

Mr. **Servene**. That's correct.

Senator **Baucus**. OK.

Mr. **Pride**. I would think that a recovered population would be a stable population that the habitat will support, so you get away from peaks and loss and fluctuations, but that the habitat reports in the population are made stable.

Senator **Baucus**. OK, thank you all very much, appreciate it.

OK, next panel, moving right along, is John Holden, who is the executive vice president of the Montana Stockgrowers; Bob Gilbert, Montana Woolgrowers; John Calder, Montana Petroleum Association; Richard Reid, Inland Forest Resource Council; Harold Yeager, Choteau landowner.

OK, John.

STATEMENT OF JOHN HOLDEN, MONTANA STOCK GROWERS ASSOCIATION

Mr. HOLDEN. Thank you, ladies and gentlemen. My name is John Holden. I'm a rancher and I represent the Montana Stockgrowers Association. I'm not an executive vice president, I'm just on the executive board.

Senator BAUCUS. You are now.

Mr. HOLDEN. I was called by the president of the Montana Beefeaters Association and he asked me to speak for them also, and I'm also a member of the Backcountry Horsemens Association, which is a recreational user group on the east slope of the Rocky Mountains, and they wanted me to speak for them also.

Two weeks ago, I was back in the Bob Marshall within 12 miles of Schaeffer Meadow where Senator Chafee was, and as far as I'm concerned, the wilderness area is kind of a sacred trust. I have different views about bears in the wilderness than I do out on private property. I would like to make the point that most all farmers and ranchers are good conservationists, and they love their land and they like animals, but when something starts chewing on a little calf or colt, what do you love the most, the bear or the colt?

And I've had a brother that had horses destroyed by mountain lions or bears. There's been quite a lot of damage down here at Choteau to private property. I talked to a fellow this morning that had 11 beehives turned over, which is about a $2,500 loss. I've got another letter here and the fellow has lost $12,000 worth of heifers. Who pays for that damage? How many people here could afford $1,000 out of your pocket with no compensation?

It's against the law for you to shoot a bear if he's damaging your property, yet how are we supposed to make a living?

Most landowners are law abiding, but what happens if we have a bear a half a mile from the town of Choteau, which they do right now, and some little kid wanders out there and gets hurt or gets killed? We're going to have to change the management system around, I think.

But you can read my statement I turned in, and I want to go over a few things that I had not jotted down here. The Backcountry Horsemen and the other two groups would support a grizzly bear season as a management tool on the eastern slope in this Rocky Mountain Front, not especially in any other areas. We'd like authority for the Montana Fish and Game to manage the bears as they see fit.

Personally, I get along very well with Jim Flynn and I think our State department does a good job, and they are ready to come and help us whenever we ask them. I think that they're here on the spot, and they're the ones that should be handling it, not some Federal outfit.

The Backcountry Horsemen would like to have a little better interagency cooperation and management and study, and in doing research. You can duplicate research and spend money on the same project in two or three different agencies, and maybe we could better spend our money if just one agency was doing it.

One point I'd like to make, they're using drugs on these bears, and I think we've got lots of people that take too many drugs, well, when a bear gets dosed about three or four times, he goes plumb nuts. And I think we're going to have to do something besides that to take care of problem bears.

Senator Chafee made the remark about taking care of garbage dumps. How do you take care of beehives in apple orchards? Last fall there was bears in one fellow's back yard, and he's got little kids and he's got apple trees there. What does he do, get rid of the apple trees? And these beehives that have been turned over in the last month, what do we do, get rid of them, too?

The other thing is this 25-bear limit should be on proven kills, not on somebody's off-the-wall guess on how many bears the Indians shot up there. When that fellow said they didn't shoot any bears on the Blackfeet Reservation, I live up there with those people and most of them talk right straight from the shoulder like us cowboys, and I'd take his word over somebody's coffee shop talk about it.

One beekeeper told me, he said these bees pollinate the flowers that are on wild raspberries and the food that bears eat, so he kind of thought maybe they had an interest in that, too.

I think that's all I got. You can have it.

Senator Baucus. OK, John, thanks. Bob.

STATEMENT OF BOB GILBERT, SECRETARY-TREASURER, MONTANA WOOLGROWERS ASSOCIATION

Mr. Gilbert. For the record, my name is Bob Gilbert. I am secretary-treasurer of the Montana Woolgrowers Association. We have about 2,400 members here in Montana. The people involved raise sheep.

I am testifying in place of Don McKamey, who is president of the association. Mr. McKamey is fighting fires on his ranch from the lightning storm that went through this area yesterday, and so I'm pinch-hitting for him.

I think it would be well, here at the start, to mention that livestock operators, as has been mentioned, have a life of animals and wildlife. It has also been mentioned that the private lands in this State raise a lot of wildlife, and indeed it's been mentioned at this hearing that half the time the grizzly bears are spending time on private lands. I think it would be safe to say that there is no basic hatred for the grizzly bear or any other predator as an animal. Our problem in the livestock business comes about when these animals, and in this case the grizzly bear, get into the sheep or cattle and kills our livestock, which we are attempting to raise to make a living in this State and raise for the consuming public. We are not in the business of raising sheep to feed wolves or coyotes or grizzly bears. We're raising them for human consumption.

We have a lot of concern over any compensation program, and if there are questions about that later, I'd be glad to reply to those.

In any management of the grizzly bear, I think it has to be understood that the grizzly bear is indeed a powerful predator and as such it is going to kill livestock and as such should be dealt with. This association believes that in many of those cases the grizzly bear is going to have to be dealt with by a gun. In the case of live trapping, it has been found that in many of the cases where they have live-trapped grizzly bears who have been in the snare, they have traveled great distances back to the sheep allotment.

A prime example is a grizzly bear last year attacking a sheep on the Joe Helle ranch near Dillon in the Beaverhead National Forest which was transported by helicopter 125 miles, immediately headed back to the sheep and was back in about 5 to 6 days and hibernated for the fall. This spring when the hibernation season ended, the bear went back to Yellowstone. He was radio collared, of course, and that bear now has headed back to Dillon. At this very time, they are looking for that bear again on the Helle sheep allotment near Dillon. Again, they cannot be sure that the grizzly bear has been into Mr. Helle's sheep, because the grizzly bear in this case, someone removed his collar.

We mentioned earlier about the public land issue, and it has been brought out I think and emphasized very well that private lands also get into this. In the area of multiple use on Forest Service lands, as is designated by Congress, grazing is permitted. Yet, Senators, we are saying that the sheep population and the sheep operators and Forest Service lands in Montana are being removed from sheep allotments because of potential problems with grizzly bears.

Mr. Ira Perkins, who has a sheep allotment near Bynum up in the western part of the State here in this area, and is in this room, has been told that this will be the last year that he will be allowed to have a sheep permit on Forest Service land, one that he and his father before him has held for 40, maybe 60 years. In the case of another sheep operator in the Absarokee Beartooth Wilderness area, the Forest Service is attempting to move them off of Forest Service allotments because of potential—mind you not any real problem to date—with grizzly bears.

As far as the private lands go, tolerance was mentioned by the Wildlife Federation by Mr. Flynn. As a representative of the groups here of private landowners, I can tell you that tolerance is wearing very thin, and another speaker on this panel I think is going to address that from not only the angle of stock people but some of the townsfolk in the town of Choteau.

In short, we support the Fish, Wildlife, and Parks to manage grizzly bears through hunting. We are in complete agreement with the hunting season.

I would also like to note that the protection of grizzly bear and other endangered species adversely affects our ability to control it and other predators which disseminate our flocks. For instance, in the case of grizzly bears, if a grizzly bear is found in an allotment, there is restrictions on the use of M44's, which is effective in some areas for ridding a coyote which has been killing your flock.

In the case of another endangered species on wolves, there have been attempts made to stop the aerial hunting of coyotes, which is legal in this State, because of a wolf sighting, of course with the idea that somebody might shoot that wolf. Dogs have been always cited as an important tool for predator control. It is ironic to note that when grizzly bears hit your sheep, however, your dogs are not very effective in keeping the grizzlies out, and indeed have to be tied up.

Senator, as I mentioned to you earlier, and we cleared with this committee, we have a member of the association, Dick Christy, who has some very close working relationship with sheep and grizzly bears, and with your permission, I'd like him to make a few comments.

Senator BAUCUS. You bet, go ahead, Dick.

STATEMENT OF RICHARD P. CHRISTY, SR., SHEEP RANCHER

Mr. CHRISTY. Distinguished Senators, for the record, my name is Richard Christy, Sr. I'm a rancher and irrigated farmer and sheep rancher in the Fairfield area. Early in the spring of 1982, the Blackfoot Tribal Land Office contacted Bob Gilbert of the Montana Woolgrowers, and they wanted to reactivate some sheep leases. In talking to Bob in another matter, I found out about it, I contacted him, I went up and talked to them. I found out that the prior lessee was Mr. Garth Leachman. I went over and I talked to him. I spent a considerable amount of time with him. He had that lease for over 25 years and he had two minor bear incidents.

I made a bid on the lease, I bid $6,500. I got it. I put up a $6,500 performance bond and removed 800 head of ewes plus their lambs onto the lease on June 10, 1982. We were there about 20 days. Toward the end of June, we started experiencing kills. We didn't know at that time whether they were lion or bear kills, so I called in the Federal animal damage control trapper, and he reported very shortly thereafter that they were bear kills.

On July 3, we moved the herd out of that area, still on the lease, but moved them out of that particular area, and the kills continued. On July 9, we went back up to resupply the herd and found them in a state of fright. The bears, grizzlies had been coming into the camp every night starting at dusk about every 2 hours until daylight. We had two guard dogs with us. The animal control trapper set a snare. We tied the dogs up at night for fear they'd get in the snare. The only thing he'd been successful in trapping up to that time was one ewe, one lamb, and the grizzly took that out of the trap.

On July 9, my wife and I went back up to resupply the herd, and along toward dark with the trapper in the area, we were standing there having a cup of coffee, in come two grizzlies like they had been doing every night for the last 2 weeks. I grabbed the rifle and I shot the lead grizzly at about 50 yards. The second grizzly turned and went back into the timber.

I told the trapper to turn it over to the authorities, do whatever was necessary, which he did. About 2 hours later, the second grizzly wound up in our sheep again, and 2 more times that night.

The next morning, we moved the sheep out of there as far as we could move them out on up on top of the plateau. We got back by that night, and the next night they hit us again. They hit us 5 times in the next 10 days.

On one of those occasions, they ran 50 ewes into a pond and killed 10. The trapper happened onto the scene. He helped the herder pull the nine ewes out of the water. They set more snares, and that night the grizzlies came in, never touched the snares, grabbed the dead ewe that was remaining in the pond.

About that time, I got a telephone call from the State director assuring me that we would have a full-time trapper assigned to the trap, assigned to the herder until such time as the bear problems were resolved. I went up 2 days later to resupply the herd. The snares were pulled and the trapper was gone. He'd been transferred to another area that was experiencing bear problems.

About that time, the herder decided he wanted off that mountain. He was afraid for his life, and I don't really blame him. I spent a couple of nights up there myself.

On July 24, we removed our sheep from the lease. We lost 40 ewes and 44 lambs in the 40 days we were there. We had to sell 400 breeding ewes at slaughter prices because we were unable to relocate them at that particular time of year.

Our monetary losses exceeded $10,000.

In February 1983, I was assessed a $3,000 fine for violating the Endangered Species Act.

I would like to quote a statement from the official transcript of the hearing made by the ADC trapper who was assigned to stop the predation of my sheep. The question, "If the grizzly that Mr. Christy shot had actually gotten into the sheep and was killing the sheep in your presence, you could not have shot the grizzly, could you?" Answer: "No." He had no authority.

At no time in recorded history has a shepherd ever been denied the right to protect his sheep from predators. Not only has it been his right but the obligation. This act, which is the law of the land, says step aside and let the Government do it. I feel this act has deprived me of my most basic constitutional rights, that is the essential and inalienable right for people to acquire, possess and protect property. This right is among English-speaking people as old as the common law itself.

I have appealed this assessment and will continue to do so all the way to the U.S. Supreme Court if necessary. Our creator made all things for the use of mankind, most good, some evil, but he gave us the wisdom to know the difference. When we elevate our predatory animals to take priority over man and domestic livestock, perhaps we had better reassess our actions.

In closing, I want to say that we as stockmen are not programmed to destroy but to nurture living things. We respectfully submit, Senators, don't allow this act to make criminals out of honest men, but amend this act so as to return to us our unalienable rights.

Thank you.

Senator Baucus. Thank you very much, Dick, appreciate that. Next, John Calder. John?

STATEMENT OF JOHN CALDER, MONTANA PETROLEUM ASSOCIATION

Mr. Calder. Senator Baucus, Senator Chafee, my name is John Calder, and I'm an employee of Atlantic Richfield Co. I am testifying today on behalf of the Montana Petroleum Association. It's a division of the Rocky Mountain Oil and Gas Association whose members account for more than 90 percent of the exploration-production activities for oil and gas in the eight-State region it serves.

We appreciate this opportunity to provide comments to the Senate Committee on Environment and Public Works, Subcommittee on Environmental Pollution, in its efforts to gather testimony on the status of the grizzly bear in the northern Continental Divide ecosystem.

The northern Continental Divide ecosystem contains the largest grizzly population in the lower 48 States, and oil and gas development has been conducted here for a number of years. No scientific data has been collected to support the concept that development of mineral resources creates significant negative impacts on the grizzly bear or its habitat.

Carefully planned oil and gas exploration and natural resource development can be compatible with wildlife and all other multiple uses now and in the future. Our Canadian neighbors believe that mineral development and grizzly bears can coexist. The regulatory constraints applied to any industry for group, be it oil and gas, timber, grazing or recreation, should be equitably applied. If allowance is made for the hunting of grizzly bear for sport, mitigating measures imposed upon various other interest groups, including the oil and gas industry, may be negated. Hunting has a measured negative impact on the grizzly bear populations, yet negative impacts as a result of oil and gas operations have not been substantiated. We as an industry are not against hunting but believe that policy should be enforced equally.

Special interest groups perceive increased oil and gas activity in frontier areas as universally causing degradation of wildlife species, such as the grizzly bear. Some groups have strictly interpreted the disturbance provisions of the Endangered Species Act of 1973, which protects threatened species, and unnecessarily impedes the development of other natural resources in frontier areas. Because of pressures applied by these special interest groups, often through regulatory agencies, exploration and development of natural resources have become increasingly costly and time consuming.

An example of unreasonable delay is the Hall Creek well near Marias Pass, MT. Special efforts to mitigate the potential impacts to the grizzly bear were undertaken, but approval to begin drilling still has not been secured. As an example of unreasonable situations under which the oil and gas industry must try to conduct business is the North Fork well near Cody, WY. The well was originally designated as a grizzly bear management situation 5 area. A Situation 5 management area is defined as an area where grizzlies do not occur or the area is generally unsuitable, unavailable or unoccupied by grizzly bears, and it lacks values necessary for the survival of the species.

The location was reclassified as a grizzly bear management situation 2 habitat as soon as the NEPA process began. A situation 2 area is defined as an area which lacks grizzly population centers but may have isolated grizzly habitat components, and the bear may be present occasionally. By definition, situation 2 areas are not necessary for survival and recovery of the species, but if the land manager determines the population or habitat demonstrates the need, it may be upgraded to a situation 1 habitat. If that is not the case, other uses should prevail. With all the study, evaluation and planning conducted in this area, how could such a gross mistake in classification have been made?

Although industry has been involved in studies along the Rocky Mountain Front for a number of years, no major changes in this interagency guidelines concerning grizzly bears or their relationship to our industry have been made. Eleven of the nineteen general management guidelines in this document are specific to the oil and gas industry; 6 of the 12 grizzly bear specific management guidelines regulate oil and gas activities with 6 others related to timber activity. Four additional guidelines are specific to the grazing industry.

We have found that these guidelines are being used in other areas by other land managers for oil and gas operations, but are not applied to timber or grazing activities. We do not question the need for consistent guidelines on all Federal lands, but we do question their inconsistent application to different industries and/or users.

The Montana Petroleum Association recommends that the committee review the Endangered Species Act and revise the statute to allow access to critical habitat areas under reasonable and workable stipulations. Consistent policy needs to be established in lieu of numerous individual studies and guidelines being developed for various public lands.

Considering the amount of time and money invested in the study of the grizzly bear, reasonable guidelines for administering the act and protecting endangered and threatened species on all Federal lands should already be in place. We support a management approach in which the U.S. Fish and Wildlife Service develops and administers guidelines which protect critical habitat and at the same time allow multiple use of the land without unreasonable exclusions.

The soil and gas industry has a good record of mitigating impacts to wildlife resources even though only a small portion of our operations have the potential to impact wildlife. We believe there emotional and unwarranted concerns for wildlife resources and their habitat that are causing unnecessary delays and additional costs to oil and gas exploration and development of natural resources at a time when economic considerations are paramount to wise business decisions.

Thank you for this opportunity to testify before your committee. If I can answer any questions, I'll be happy to try.

Senator BAUCUS. Thanks, John. Dick, you're next.

STATEMENT OF RICHARD REID, EXECUTIVE VICE PRESIDENT, INLAND FOREST RESOURCE COUNCIL

Mr. REID. Senator Chafee, Senator Baucus, I'm Richard Reid, executive vice president of the Inland Forest Resource Council in Missoula, MT. At the very outset, I want to make it clear that we support measures to ensure recovery of all endangered and threatened species, which, of course, include the grizzly bear. We do have some concerns about the way recovery is to be accomplished. These tend to focus more on people rather than bears. Now, first and foremost of these problems involves a lack of information which land managers can use to bring about recovery without adversely affecting timber availability or other resource management activities. Our perceptions as outsiders is that there is little coordination or focus for research with many researchers more interested in publicity or turf protection than in providing informational tools for the land manager.

It may be possible that overzealous research activities—drugging, collaring, tooth-pulling, et cetera—may pose a greater threat to the grizzly than all other impacts combined. However, some research is needed to answer the unknowns of the grizzly's needs to assess the effectiveness of habitat improvement projects and mitigation measures. In addition, the manager needs to know with a certain degree of reliability how many bears must be dealt with and whether the population is increasing, decreasing or remaining stable. Research designed to answer these fundamental management questions in the northern Continental Divide ecosystem has not been forthcoming.

The Forest Service and other agencies involved in grizzly management now are taking comments on the application of management guidelines throughout the bear's range. We intend to comment in some detail, but would like to summarize our concerns here.

The proposed guidelines originally were developed for use in the Yellowstone ecosystem, which is unique and has substantially different conditions from those found in the northern Continental Divide ecosystem. We believe that the Yellowstone guidelines should not be applied there. Instead, guidelines which relate to the conditions of the northern Continental Divide should be developed separately. If, however, the intent is to make the Yellowstone guidelines universal, then they should be applied with discretion outside that area.

The approach described by the Forest Service in the Draft Flathead National Forest plan is reasonable, and we do not anticipate unacceptable adverse impacts if implemented as described. However, we are concerned that additional pressure by the U.S. Fish and Wildlife Service or individuals trying to stop timber management at the project level will result in additional restrictions on timber harvest beyond those described in the draft plan. The Management Situation I Guidelines are tailor made for those who wish to make mischief. Our problems are not with the bears but with those who would use the bears to obtain other objectives.

Now I'll turn to habitat management. We agree with the Forest Service managers and biologists that active management of grizzly bear habitat is both possible and desirable. An example of this relates to the potential danger of wildfire.

Past fire control practices have led to increasingly heavy fuel accumulations in many of the areas designated for grizzly management. The Flathead National Forest plan draft environmental impact statement notes that mountain pine beetle infestations approaching 100 percent in the Mount Hefty roadless area have resulted in a buildup of ground fuel and greatly increased the risk of large wildfires. This condition appears to be typical of much of the area designated for special grizzly management. Holding these areas off limits to timber harvest pending further study of potential adverse impacts may pose a greater risk to the grizzly than judicious timber harvest to reduce fuel loads and improve access for fire control.

Historically, grizzlies were widely distributed throughout the West. As a result, the impact of any single wildfire had little effect on the species' survival. Today, however, the bear's range is restricted to relatively small geographic areas in the United States. Many of these areas include timber stands at the stage of development where wildfire historically has followed pine beetle infestations and prepared the site, often catastrophically, for new stands. Our fire control programs have exacerbated the problem by allowing fuels to accumulate beyond levels which would be experienced under natural conditions. The recovery program must recognize the potential for catastrophic fires and the possible loss of a significant portion of the region's remaining grizzly population.

In reality, active management to ensure maintenance of the habitat spectrum required by the grizzly rather than a hands-off approach is the best way to ensure recovery.

Finally, it would be inappropriate to leave this hearing without giving our views on the controversial subject of grizzly bear hunting. The more we look into this subject the more confusing it becomes. We do not purport to be experts on the dynamics of grizzly bears populations. And, as noted earlier, good information on this subject seems to be lacking in the first place. Consequently, we have seen no scientific data to support the annual planned loss of 25 bears from the northern continental divide ecosystem. However, we have seen constraints proposed on Forest Service management activities specifically to ensure that grizzly populations recover and increase.

It seems extremely inconsistent for one segment of society to be faced with substantial losses to protect a species threatened with extinction while another segment of society gains from hunting that species. If we are going to protect the grizzly bear and allow it to recover, then it is reasonable to ask all segments of society to share more or less equally in the costs of that action.

And I think you for the opportunity to be here, and I'll be glad to answer any questions.

Senator BAUCUS. Thank you very much, Dick. Last, Harold Yeager, Choteau rancher. Harold?

STATEMENT OF HAROLD YEAGER, EAST SLOPE LAND USERS ASSOCIATION

Mr. YEAGER. Thank you, Senators, for the opportunity to speak. I'm Harold Yeager, representing the East Slope Landusers Association, which includes private land adjacent to the Rocky Mountain ranger district and the Choteau area.

Up until 10 years ago there were few or any grizzly sightings on private land which bordered the forest on the east. In the last 3 weeks our family members have seen 10 separate grizzlies. Mr. Guthrie had seven grizzlies on his property last fall at one time, at which time he lost sheep to them. Mr. Rose had four of them in his summer pasture, which scattered his cattle for miles. This spring a yearling grizzly was removed from the Fairfield area 35 miles east of Forest Service boarder, a remote area in the forest, and within 5 days he was back in the area, where he killed 5 sheep and destroyed beehives. This bear is wanting a home in a zoo. We are told that Japan is the only place that would take him.

There have been enough sightings in this sparsely populated area that you have to assume there are a lot more grizzlies than the Fish, Wildlife and Parks Service is aware of. Because of the increasing population of grizzlies, they are continually enlarging their habitat and they are encroaching on private land more and more. Grizzly and human conflicts are increasing. A mother teachers her young on her ways, so cubs are taught to ravage beehives, eat sheep and other livestock.

The sheriff of Teton County has written Tom Coston regarding public safety in the county. The time is fast approaching when a child may be fishing on some creek or live near Choteau and may be molested or killed. It seems as though the Federal Government has a double standard. We are forced to buy seat belts for cars, roll bars on our tractors, yet we are made to live and work in fear of our lives on our own property.

My son and I were charged by a grizzly sow and cub while irrigating. We believed that this grizzly and cub were the ones getting into the beehives, when later we found a sow and three cubs which lived there all last summer were the guilty parties. This family repeatedly ravaged the beehives night after night, entering the hives by a tractor running, as the picture indicates, 24 hours. She and her family were moved to a remote area. She is back into the beehives after 2 weeks. Now what do we all do?

Gentlemen of the panel, how would you like it if the Federal Government allowed a burglar on your block to rob you of your paycheck every night? That is our problem, and we are unable to do anything about it. We feel there is no need for the grizzly to be on the endangered species list in our area. We need to have local control of the grizzly, not wait for Federal approval.

Why must we wait for a Roger May incident to happen in our area on private lands? We have human-grizzly conflicts. Exhibit B shows the enormous possibility of it happening right here.

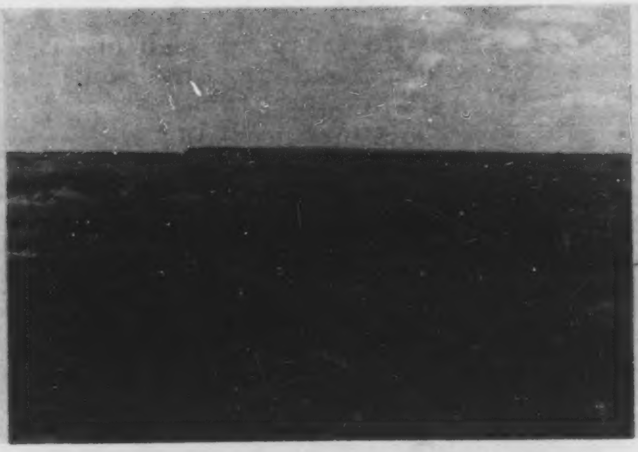
The grizzly has its place, and we do want to see that, but it should be on public domain, not private land. We support an early hunting season on either Mountain Front and adjacent private lands, to help keep them on public land.

Thank you, Senators, for listening.

[Attachments to Mr. Yeager's statement follows:]

Beehives

Tractor running 24 hrs A Day



sounds [illegible]

Feeds at night

Bear victim's mom asks $3 million

BILLINGS (AP) — The mother of a Wisconsin man mauled to death by a grizzly bear near Yellowstone National Park two years ago has filed a $3 million claim against four government agencies, her attorney said Wednesday.

Roger May, 23, of Sturgeon Bay, Wis., was camping with a friend at a National Forest campground on Hebgen Lake in June 1983 when the bear attacked and dragged May from their tent.

The grizzly moved away from May after his friend, Ted Moore, tried to frighten the bear, but it returned to drag May into the timber. The remains of his body were found about 300 feet from the tent site.

May's mother, June May, has asked for $2 million in personal injury, $1 million for wrongful death and $100 for property damage.

Mrs. May's attorney, David L. DeBruin of Milwaukee, said he has filed claims against the National Park Service, Forest Service, Bureau of Land Management and Fish and Wildlife Service.

All agencies are members of the Interagency Grizzly Bear Study Team that had been tracking the 12-year-old killer bear since it was a cub, DeBruin said. The bear, a 435-pound male grizzly, returned to the campsite the next night, was caught in a baited trap and was put to death.

DeBruin said the bear had been continually monitored by government agents and was relocated 15 times to different areas of the park. Tranquilizers were used in the transfers, and DeBruin's law firm is looking into whether the drugs could have affected the bear's behavior, he added.

DeBruin also contends government officials failed to warn campers that a bear had been sighted in the area two days before the attack, and that tent camping should have been prohibited at the campground. While signs warned against tent camping, it was not forbidden, he said.

The government also had not warned May that a medication he was using on his foot might attract a bear, DeBruin said.

The claims were filed under the federal Tort Claims Act, which requires plaintiffs to present claims to the agencies involved before filing a lawsuit.

Tom King, a law enforcement officer with the Forest Service Region 1 office in Missoula, said his office will review the evidence and make a recommendation on whether to pay the claim.

The office of the General Counsel makes the final decision for the Forest Service. The decision for the Department of Interior agencies (Park Service, Fish and Wildlife Service and BLM) will be made by the Solicitor's Office.

Senator Baucus. Thank you, gentlemen. Bob, I understand the problems you've mentioned. One problem facing a lot of sheep producers is the Forest Service allotments, namely that the Forest Service, in an effort to avoid conflict, is not renewing allotments.

My question to you is, how do you think this problem should be resolved? I guess in Larry's case, even though he had this allotment for 20 years or so, he'd never destroyed a bear.

Mr. Gilbert. Senator, that's the problem; we don't feel that the forest ought to be managed strictly for the grizzly bear. It's a matter of economics in Montana, and while this industry is relatively small and there is a small group who are on the Forest Service lands, nonetheless, it means considerable to the community that's near and to the basic operation. Mr. Perkins will tell you that he has never in all of the years that he's had sheep on those allotments killed any grizzly bear. He has followed the letter of the law when grizzly bears are into the sheep, he has contacted the Federal authorities and they have come to remove those offending animals.

I think that you will find that woolgrowers are a basic law-abiding group, and I don't think that charges can be substantiated that they are taking the killing of these grizzly bears into their own hands, unless like in the case of Mr. Christy here, what was he to do after 2 weeks of putting up with bears running into the sheep, but other than to protect his flock? I think that he had a constitutional right and a duty to do that.

Senator Baucus. So it's your view, then, Bob, that even though the allotment might be classified situation 1, that basically the Forest Service should manage the area in a multiple-use way, that is the sheep and the bears and other goals that the Forest Service tries to attain should be all tried to work out together; that is, should manage that area solely to protect the bear or at least to the total exclusion of the stockgrower, somehow get to work out those conflicts.

Mr. Gilbert. Basically, yes, I would say that. Now, in Montana, Senator, we do not have, except in the case—and again this was on the Blackfeet Indian Reservation—for Christy, we have not had sheep operators on Forest Service land with large problems with grizzly bears. Now, in Idaho, in regard to, what is it, the top case, there indeed they did have, and have removed a sheep operator, Bill Ingot, from some class 1 classification for grizzly bear habitat. But what I'm finding here in Montana is that the Forest Service is, so to speak, jumping the gun and removing the sheep from allotments because of potential grizzly bear problems.

Senator Baucus. How many incidents have there been each in the last couple of years on Forest Service allotments? Can you give me a rough idea?

Mr. Gilbert. Again, the number can play a game with you. In Montana, Senator, we have but 28 sheep operators that have permits on the Forest Service lands. That is all of them. One of those 28 that I named there has a permit for only two, so that's all of them. Last year, about all of the operators who had probably six, I would say six operators in the State had problems with grizzly bears on their allotments, and they were resolved.

Senator BAUCUS. How many, say, sheep or other livestock do you think are killed each year, roughly, in our State by grizzlies?

Mr. GILBERT. That figure I could not give you off the top of my head, but, Senator, I can provide that to you and Senator Chafee very easily. The Montana Statistical Reporting Service does a survey annually and has those figures, and I apologize, I should have had a copy with me, and I'll see that both of your offices get those figures.

Senator BAUCUS. Dick had mentioned something like 40 ewes and 44 lambs, roughly.

Mr. GILBERT. Yes, and Ira Perkins I believe lost 5 this year, and I believe Mr. Guthrie has lost 4 or 5, so I guess I was quite dismayed to hear that at this hearing earlier that only 12 sheep were killed annually by grizzly bears and some 2 cows. I don't think that's the case at all.

Senator BAUCUS. Dick, you're quite concerned about not applying the Yellowstone guidelines here. What are some of the two or three guidelines that should not be applied? What two or three differences do you see immediately?

Mr. REID. Well, I think the problem is in how these guidelines are being interpreted or used or applied. Like I said, I think maybe the best thing to do would be to develop something similar for the Rocky Mountain or for the Northern Continental Divide area, and maybe in terms of more in defining the areas how they may be applied, striving in detail the actual guidelines that are going to be applied.

I haven't read those things for a while, and I'd have to go back and look at them to give you some specific comparisons, and we'll try to do this when we get into our comments with the agencies on the thing. But perhaps some think they were maybe broad enough to be applied in all areas, but the problem seems to be that we have them in the Yellowstone area, we're going to apply them in the same manner to the other ecosystem areas as we are in the Yellowstone area. I just don't think that's appropriate up here. We need to look at it in a little different context.

Senator BAUCUS. Bob, could you give me your view, or your association's view about the compensation programs?

Mr. GILBERT. We have opposed the compensation programs, as I mentioned earlier.

Senator BAUCUS. Now, why did you oppose compensation programs?

Mr. GILBERT. I'll get into that. The other thing that comes down to it is indeed the people then, whatever program you have for compensation, are going to demand naturally that indeed this animal was killed by the offending animal, grizzly bear in this case. When these animals are killed in mountains or wherever it is, they don't last long in that environment out there. The grizzly bear itself rips the animal apart and eats it alive, devouring in some cases the carcass entirely and others leaving relatively untouched. There are also other scavengers that come along that feed on those carcasses, and so they don't last there long.

There is no opportunity to send somebody, like if it happens to you on a sheep allotment in the mountains, you can't just leave the sheep and head for town, the nearest phone, to call up and say, "I need an inspector to come up now and to look that indeed this grizzly bear killed this sheep." That carcass isn't there long. There's not the communication factor, and so when you have these compensation programs, the public somehow has a sentiment also that, well, who cares, we'll feed the grizzly bear these sheep, why should the sheepmen then holler about the grizzly bear killing them when in fact the program will not work very well.

So the red tape is there. What about in tthe case of Mr. Christy, where the grizzly bear has run into the band of sheep and put a bunch into a pond and killed some? What about grizzly bears that run into the band of sheep and some of the flock is scattered from the original band and never found? We have operators that go into the mountains and in some instances will lose sheep that they never do find, and they hire planes. In the instance of the Seiben ranch, Seiben Land & Livestock and the Helle ranch and ranches at Dillon, they've hired planes and immediately went looking for them. They never do find them.

I guess that is the point of the matter. But again, the basic principle is that we as livestock producers are not interested in having the grizzly bear compete with Safeway Stores and Albertsons to become marketers of our product.

Senator BAUCUS. John?

Mr. HOLDEN. Well, I'd have to agree with Bob, I guess, but how do you put a value on a person's life? You can't. We've had people killed in Glacier Park, and I think one or two a year the last 2 or 3 years. How do you compensate somebody for that? It's a funny world where we worry about keeping somebody alive for 10 years on a life-support system, and yet we don't really worry too much about somebody's life out there if he gets killed by a grizzly bear.

Senator BAUCUS. Thank you. John?

Senator CHAFEE. What did you mean, Mr. Gilbert, when you said that you had other problems with grizzlies on forest lands and they were resolved? How were they resolved?

Mr. GILBERT. I'm glad you asked that so that I can clear them up. They were not resolved by somebody dealing with them. The bears were snared in bear traps. We have had good cooperation, I would say, from the Montana Department of Fish, Wildlife, and Parks in removing those bears. They normally are taken to the Yellowstone Park ecosystem and they are removed that way.

Senator CHAFEE. The example of Mr. Christy was certainly a graphic and disturbing one, but what about in the course of a year? I know that you doubt the Defenders of Wildlife testimony that they previously gave that less than three cows and a dozen sheep per year were killed by grizzlies, but what would you estimate? Let's take over the last 5 years. You said the other problems were solved, the Montana Fish and Wildlife people came quickly and snared, and the example of Mr. Christy, I take it, was quite a dramatic one, and I think, couldn't we agree, is a departure from the norm?

Mr. GILBERT. Again, after 11 years, Senator, that I've been with the woolgrowers, I have learned not to be taking guesstimates out of my head, and we would prefer to give you statistics as given by the survey. I would say, though, that if you're looking at the number, yes indeed, comes down to a small amount of sheep. The thing is that the problem grows, and whether it's a small number total overall, Senator, it is a big problem for Mr. Christy, or in that case for Mr. Perkins in this room. He is losing that number of sheep, and so it's serious and a loss to him directly.

Senator **Chafee**. Well, I won't say that at all, and I'm worried about it and in the case of Mr. Christy and others where it's actually happened is very disturbing as far as their income goes, and certainly Mr. Holden pointed out the same thing. But I guess we're getting back to the compensation matter which you threw cold water on. Yet what's the alternative? Is it your suggestion that anybody can shoot a grizzly in defense of his property, that seems to be what you're advocating.

And then you get into problems on that side, just as you get into problems in identifying which sheep has been killed by a grizzly and whether they've been scattered or whether they've been drowned or whether they've been devoured. There are problems there, but you get the problems on the other side of saying, "Oh, yeah, I shot that grizzly, but he was just about charging through my flock."

And it seems to me the compensation route offers some possibilities. I'm sort of sorry you threw water on it. Mr. Yeager, what do you say about compensation?

Mr. **Yeager**. Well, I'd have to probably keep the beekeeper in mind, and I think there you've got a definite example of what the loss could be. It's pretty evident there, and in the Dale Cunniff situation there in Choteau, his is real significant and real easy to determine the actual loss.

Senator **Chafee**. Well, after all, it isn't only grizzlies. Black bears go for beehives, too. Now, what happens in that instance? You shoot—you don't always see the black bear when he's doing it, know where it is. What happens in those situations?

Mr. **Yeager**. Well, I think the instances of black bears in this area is probably pretty remote, because the grizzly is probably dominant and they're probably not in the area to bother beehives.

Mr. **Gilbert**. Senator, if I might add one thing, I guess our concern is do you continue to compensate the landowner? In the case of Mr. Christy, he had again called, as he was supposed to, Fish and Wildlife personnel to remove the grizzly bear, and Mr. Perkins does the same and Mr. Helle. I'm saying the membership that I have are following that law, they're not shooting first, Senator. The question comes down if you do not remove that grizzly bear, Senator, that bear would consume all of Mr. Christy's sheep. If you would have never done anything to those bears, it wouldn't have been 88, they would have continued to feed until they were all gone or scattered. And that's the problem, is that the bear has to be addressed at some point.

Senator **Chafee**. All right. Well, thank you very much.

Senator **Baucus**. Let me just follow that up a little bit, Bob. What would your view be if a bear is sighted but hasn't scattered any sheep and hasn't destroyed any sheep? In that situation, would it be appropriate for, say, the herder eventually, whoever sees it, to report it and maybe somebody at the Fish and Wildlife Service, come out, and if it's a problem, maybe trap the bear? What I'm really trying to get at, there's a different set of circumstances under which certain classes of action is appropriate and another set of circumstances where something else is appropriate. Namely, in the first set, it's not appropriate to shoot the bear, but in the next set it would be appropriate. Or am I trying to define something that's too complicated? I'm just trying to find some common ground here so that a bear is not shot in every instance, but when he's actually destroying the livestock, you know, that the landowner has got to protect his livestock.

Mr. **Gilbert**. That's what I think we agree with, and again, as I say, the fact of the matter or charges, Senator, will show that the livestock operator has cooperated and not shot first, when they saw the bear, they would notify the Fish and Wildlife Federal trapper that the bear is around the sheep, and the state fish and game and federal both have again been more cooperative in removing that bear. Again, I think I emphasized that I don't think our members are, as has been charged in some degree, that we are killing the bear first and asking questions later. I think we've been very tolerant and are trying to follow the letter of this law.

Senator **Chafee**. Do you think one of the problems is in the example of Mr. Christy, one of the problems may be a shortage of manpower? In other words, as I recall Mr. Christy's incident there, the Fish and Wildlife man came and then was called away and disappeared. Now, maybe if he'd stayed, the situation could have been, as you use the term, resolved.

Mr. **Gilbert**. Senator, you have hit on a perfect deal. Also remember the man that was working with Mr. Christy, he was involved probably for nine counties up here of not only that grizzly bear, but also to remove in some cases skunks. He was also called upon to hunt coyotes. He also was called upon for bears. Maybe Mr. Perkins had the problem, I don't know, but I don't know how many man hours or man people you're going to have to add, but the U.S. Fish and Wildlife Service in this State has just a very skeleton crew. And Senator Baucus has been helpful in the past in getting funding, which is incidentally only for this year, to even keep up the program we have now.

But with your concerns over the budget, Senator, again I don't know how you resolve that. There is definitely a problem with not enough manpower in the U.S. Fish and Wildlife Service for animal damage control; correct?

Senator **Chafee**. You mean the Fish and Wildlife money is coming to Montana, but all this control is done by Montana?

Mr. **Gilbert**. When we're talking here U.S. Fish and Wildlife Service, the man on Christy is a Federal agent, he was a Federal man, not State. Montana State Department of Fish, Wildlife, and Parks has had this thrown onto them, and because of their interest in the grizzly bear have taken sportsmen funding to add people and actually get their wardens and biologists involved in grizzly bears. But the one you're talking about are Federal people under Mr. Buterbaugh.

Senator **Baucus**. Before the Endangered Species Act, I suppose there were bears around and landowners dealt with the bears, I suppose in some cases shot them. I suppose the only difference now is there's a law which prevents it, whereas before the Endangered Species Act was law that they worked it out one way or the other.

Mr. GILBERT. You know it's been suggested that the operators ought to, as some people say, shoot, shovel, and shut up. The problem that you have on that is that's awful risky business. Again, you're making a very serious violation of a Federal law. You could be fined up to $5,000, you would lose your Forest Service grazing permit for sure, and, you know, again, I don't think my membership are law breakers and they're not going to be doing that, generally, speaking, and they're going to follow the law. They ought to be allowed to do that to protect their livestock, Senators, I do believe that.

Senator CHAFEE. Let me ask you another question. If Mr. Christy had called the Montana people instead of the Federal people, would it have been any different? In other words, we had Jim Flynn give us a scenario of how long it takes to get an animal outside of Choteau, and he said 24 hours that they'd have a response. Is it any different?

Mr. GILBERT. In this case, this is an Indian reservation and this is a Federal problem. The other thing I think in 1982, and I could stand to be corrected, I don't believe the Montana Department of Fish, Wildlife, and Parks had the personnel or the program to deal with these, Senators.

Senator CHAFEE. How about now?

Mr. GILBERT. Now I think they would still reply that that's on an Indian reservation and it belongs under the jurisdiction of the Fish and Wildlife Service.

Mr. CHRISTY. Senators, could I say something? I guess my biggest complaint is that when the Federal trapper showed up on the scene he was under such regulations that he couldn't do anything. Any night he could have stopped the bear, they could have darted him, they could have shot him, they could have done the same thing that I did. But yet he was only allowed to snare. And this went on for weeks and we never changed.

How did we get boggled down in such bureaucratic regulations that even the Federal trapper can't stop the bear?

Senator BAUCUS. OK, Chuck, did you have something?

Mr. YEAGER. I'd like to hit on that deal about getting people involved with capturing bears. On the first incident where the bear was coming to the beehives, she'd been into them three times and then we made some very serious actions. We made some threats of lawsuits and we did get some action then. But in the meantime, she'd been into them 3 days.

Well, it took a matter of 5 to 6 days to get her removed at that time. The last time she only got in the hives twice. This next time if she comes back, I hope with the conversations I've had with Galen Buterbaugh and the Fish and Wildlife people and the State people that we can hopefully get her removed as soon as she hits the area and not get back in the beehives, or before she gets back into them. I hope to have a little discussion with them after this in that matter.

Senator BAUCUS. Thank you very much, Harold. Thank you all very much, we appreciate it. Our final witness is Chuck Jonkel, school of forestry, University of Montana.

OK, Chuck, the program is yours.

STATEMENT OF CHUCK JONKEL, SCHOOL OF FORESTRY, UNIVERSITY OF MONTANA

Mr. JONKEL. First, I'd like to tell you thanks for having me speak on this panel. I wonder where the other panel members are, though.

I don't have too much to say. I'll try to stay within the time limits.

Basically what I want to do is make some comments and ask some questions that hopefully will help put things in perspective, and I think that's probably the greatest need that we have in the whole matter with grizzly bears is perspective. I think things have gotten quite out of hand.

I'd like to say a few words first about polar bears, and I worked for 8 years on polar bears. One of the places I worked was in Churchill, MB. At that time, there were about anywhere from 60 bears in town at any given time to about 600 bears in the general area of Churchill, MB. The local people in Churchill, MB, don't get around much, and they fancied that the whole world was overrun with polar bears. They had a terrible problem with polar bears. They firmly disliked polar bears and did awful things to polar bears, and consequently wanted polar bears killed. And it took about 10 years for me to convince them that it was the only place on Earth that was overrun with polar bears. In fact, it was a very valuable resource and not a serious problem.

And at the present time, people came from all over the world to Churchill, MB, to see the polar bears. It's growing into a tremendous local industry. And with this change in perspective, I'd like to talk about pandas and the grizzly bear.

Pandas live in a very small area of western China. There are not very many of them, never have been, as far as we know, for centuries and centuries. Their chief food is the bamboo. Periodically about every 17 years, some of the chief bamboos they feed on flower and die. They've got real problems when this happens. What they do, they come down and eat gardens and chickens and the local people want to kill the pandas.

And still in both cases with the polar bear and the panda, they're bears that are valued by people all over the world in quite different ways by the people who live elsewhere than the people that live locally.

Another bear is the spectacled bear which lives in Peru and Bolivia in South America, and it's related to the problem, too, in that there's a great deal of conflict between spectacled bears and farmers. They farm in a very unique way there. The mountains are very, very steep, the jungle is very, very dense. They raise their crops by walking around in the forest till they find a place where a big tree fell over and made a clearing. It opened a canopy and they plant their corn in the clearing. And you can guess probably very easily what happens. The spectacled bears like corn, too.

And so these conflicts do come about. In a lot of cases, it's how you do things, and I think this is pertinent to some of the concerns of the farmers and ranchers, because you can do things very easily to reduce those problems and still continue to farm and ranch in a particular area.

Instead of sitting there with the sheep and letting the bear kill them, move the sheep on out.

I'd like to also talk about that people can learn things about how to live with bears. I don't care if it's a hiker or if it's a farmer or rancher, but bears can also learn how to live with people, and this is an area that's practical, in the word of conditioning, as an alternate answer to hunting. And more and more, like in the Yellowstone area already we have to look to other ways to control these problems through things like the aversive conditioning, and it's long overdue in that area and it's not too long before the same thing is going to be true in the northwestern part of the State. And it, in effect, helps the bears learn how to live with people, and the same way we can help people learn how to live with bears.

Senator CHAFEE. I'm not sure I understand aversive.

Mr. JONKEL. Aversive conditioning. It's a behavioral modification, aversive conditioning, and use the parallel of criminals. When you catch somebody, you don't simply relocate them. Chicago doesn't send their bad guys to St. Louis, et cetera. Before they're released or relocated, they go through behavioral modification in some way or the other.

Senator BAUCUS. You're talking about rehabilitation, is that what you're talking about?

Mr. JONKEL. Rehabilitation, whatever you want to call it. But we can do the same thing. Animals have the same capabilities of learning, and as Bob Gilbert said, relocation isn't all that successful. You haul them around, you spread the problem around, and they usually come back in a few days in a lot of cases. And if they have this interim aversive conditioning program, some of those bears can be taught how to live with people. They won't necessarily avoid people, they already know about people and are comfortable living with them. All they need to know is how to live with people and not get in trouble with people, and we can teach them to do that.

We have some natural situations where they learn it on their own. They're that clever that they will learn it without the aid from people, although we could speed it up.

Bud Sheff in the Mission Valley, or the west side of the Missions, has 160 acres. He has about 10 to 15 grizzly bears that live on his land about every summer. He's lived there for 40-some years without problems. Raised kids, had a dude outfit, had cattle, had fruit trees and all that. The bears know how to live with Bud Sheff and Bud Sheff knows how to live with the bears. There are people along the east front that know how to do that, and more people could learn how.

It's not a question of making the bear totally wild again; it's merely teaching the bear what not to do in terms of getting in trouble with people. It won't be successful all the time, but it can be successful with quite a few of the animals, and we should be doing that.

Without hunting, which we already have that situation in the Yellowstone area, that's absolutely essential and it should be gotten under way. And farmers and ranchers, et cetera, can help in the process, too, by relating to the bears in the proper way.

This program could be moving along a lot faster. There's been quite a bit of time. We had to move some of our research to actually get away from one agency, but bears can learn and it's really imperative, especially in a place like Yellowstone, but soon enough up here that we do help them to learn that.

Max, you asked why the bears are doing better in this northern area. I think that's certainly got to be part of the answer. I think another part of it certainly is habitat, habitat, habitat. There's better habitat up here and animals have to have habitat in order to survive. We're losing at a greater rate in the Yellowstone area, which is certainly part of the reason they aren't doing as well down there. But also has to do with public attitude. I think there's been a great change in public attitude. This is an extremely important part of keeping the bears around.

Not too many years ago when I worked on bears, when bears had an extremely poor image, they were routinely eliminated, blown away, shot by anybody around. There was hardly any law enforcement and hardly any real good. This attitude has changed. There are literally tens of thousands of people out there with a different attitude, and I think that certainly made a big difference.

In terms of hunting, I support management of the grizzly. It is a very unique animal. Because they are so large and powerful, they do need to have some sort of management. Hunting is one sort. And the wariness that comes from the hunting, I was glad to see a lot of people state positively about wariness today. It was not less than a year ago that hardly anybody would come out and say that about wariness. I was feeling pretty lonesome.

Another thing about hunting is it should be focused on problem areas. That's one thing I think that has been lacking. We know there are a number of problem areas and where the problem bears are, and they're the ones that either can be taught better behavior through aversive conditioning, or else eliminated through hunting.

The State program quota system, I think they're off to an extremely good running start this year to fine tune the quota system, and that would have to be done on an annual basis. Another thing that has to be kept in the picture relative to hunting and relative to problem bears is the amplification you can get with climatic changes. You have to be ready for it. We're into the third or fourth year of drought on the east front, and this could be the worst one ever. And with things like that, animals do expand their ranges, they cover more area, they automatically get into more trouble.

We've got good enough sense to figure that out and plan ahead for it, and I don't think we've done that properly. With food in short supply, they're going to make bigger range, they're going to get into more trouble with people, we can plan on that.

Bears have nutritional problems on almost any year. Because they den so much out of the year, they only have 5 to 7 months out of the year to feed. They're very different from other animals for that reason. So even on a good year, they're under a very strange and unique nutritional routine, and when drought years come along, it's greatly amplified.

Going to a broader perspective, I think we have to step back from the mountain periodically, too, and I'd like to add that in here. We're gaining 3 or more million people per month on a world scale. Well, think of the population in Montana and think about 3 million people per month. The human numbers are just out of control, they're continuing out of control. The resources from all predictions of the world are going down, and you don't need a college education to figure out there's a problem when you're gaining that many people with their enormous demands on the Earth, and at the same time your resources are going down.

There are 20 to 40 million people starving at any given time in the world. There are plus or minus about 40 wars going on in the world, declared ones and undeclared ones. There are a lot of species on a world scale going extinct. There are probably five to a dozen today that went extinct on a world scale.

And to me then the tempest on the east front starts looking a bit silly, if you put it in that perspective. But I don't want it to be in that perspective. It is a serious problem, we've got to do something about it.

I talked to the commissioner for this area a little bit ago, and he pointed out to me that the quota for females is already filled along the front, and the problem season and the hunting season haven't even arrived yet. What are we going to do for the rest of 1985? But I think a lot of it has to do with the communication amongst the people, between the landowners and the agency people, inside agencies and outside agencies. And for many, many years, and I see that is usually the problem and I see that is a great deal of the problem here, people getting into different camps, they want to throw rocks rather than talk. Better communication and better sensitivity toward other people, including the landowners and landowners toward the agency people, are certainly necessary, and I don't see much emphasis on this.

There are researchers with a lot of information, either active now or they have been in the past, that are pretty much ignored, pretty much ignored, which is really not very smart, considering the tremendous resource of a man like John Craighead or John Greer, who has recently retired, and I think that has to be turned around. I'm not too happy in terms of the future of the grizzly, and some of the main problems that I see I want to recount, and I hope possibly that you can do something about it.

One of the biggest problems I see, especially within the last year, is an enormous growth in what I call the Federal grizzly bear bureaucracy. It's sucking up the grizzly bear money and there's not much money getting to the grizzly bear. There's probably a hundred, at least too many Federal agency 2-week grizzly bear experts that have some money and some authority, and they are really causing a lot of the problems that we have about the grizzly bear. You can't get to the grizzly bear for people in the wing.

Another thing that I see as a really important problem is public involvement. The public should be involved. I'd say take one of the most notable things about American society, Americans always want to get involved in everything. That's fine. But when it comes to getting involved in something, the public has to be knowledgeable or else they can be detrimental, actually, in trying to solve something. And I think that there's got to be a greatly improved effort in turning that problem around. We have to make more effort to get to people to help educate more people so they can be involved and ask them to be involved and even make it possible for them to be involved.

I see some pretty important people that came a long ways to be involved here today, and I think just putting that in perspective in terms of people's commitment should be noted, and I think that a bit more effort should be made to get people involved and also help them to learn the real ins and outs of the problems.

In terms of research, too, there are some problems. I see a great trend for in-house research, and which ultimately ends up with too much quick-type research.

Senator BAUCUS. John, could you wrap up and get to the point?

Mr. JONKEL. OK, I'm just about done.

Another problem in terms of the research, a lot of it isn't used, and other counterprograms, such as the hard money that's dumped on agencies, counteracts the effect of how the research should be used. There's hardly any emphasis on the levels of government below the Federal and State levels. I'm sure that well over half of the serious problems of grizzly bears occur to people below the State and Federal level; still, all the emphasis is on the Federal and State level. And by that level of government, I include private ownership.

I can wrap it up with that, I guess.

Senator BAUCUS. OK. The question I have is I don't quite understand this aversive conditioning. What do you mean by that? Do you mean to try to encourage bears to be frightened of man, stay away from man, animals, or do you mean on the other hand to be conditioned to like man and animals? That is not eat them, but coexist.

Mr. JONKEL. No, if you condition them to come close to people, then it learns some bad habits from people, maybe it's breaking into houses, eating sheep or something, and you can change that part of the behavior through aversive conditioning.

Senator BAUCUS. How?

Mr. JONKEL. By punishing them, by repeatedly punishing them for what they're doing, and if you can do it on the ground as quickly as possible in the area where they live.

Senator BAUCUS. Is that what Bud Sheff does in the Missions?

Mr. JONKEL. Well, a lot of ranchers do it. They won't tell you about it. A lot of park rangers and wardens do it, but they won't tell you about it.

Senator CHAFEE. What's an example? I can see taking a shot at them and scaring them away and so forth, but how else?

Mr. JONKEL. Oh, there's a lot of ways. We've got a bag of tricks as long as your leg.

Senator BAUCUS. What are they?

Senator CHAFEE. Well, could you give us a couple of examples?

Mr. JONKEL. Yeah, electric fence is a good one. There's a very good portable electric fence that if it's done properly, it's very effective. There's sprays that are very good, chemical sprays that work very good. There's the thing I call a rat-trap technique where you use a rat trap——

Senator CHAFEE. And what's that do?

Mr. JONKEL. Well, when they lick it, they get slapped real hard in the nose. You punish them repeatedly. We also can take a bear into the lab and punish him repeatedly and then put him up—well, the land is very artificial, but consistency seems to carry over after a while.

Senator CHAFEE. As far as the electric fence, I talked to Harold Yeager about the electric fence for his beehives, and he indicated that it isn't very effective.

Mr. JONKEL. Well, the guy that puts up the fence should have been there. If he'd put it up, it would have been effective. It's very effective if it's done right. Apparently it wasn't a good connection.

Senator BAUCUS. How do you put up electric fences out in the forest?

Mr. JONKEL. Well, this is a small portable thing. You can take it right to the area where you want to treat the animal, and it's got little plastic poles, stick it up in half an hour.

Senator BAUCUS. What about out where the sheep bed down, out in the Forest Service allotment?

Mr. JONKEL. Well, you could theoretically even in a bedding area put an electric fence around.

Senator BAUCUS. It's a big area, that's an awful lot of fencing.

Mr. JONKEL. Well, not where they bed. This thing is very portable. You can put it up very, very rapidly. It wouldn't be that much of a trick, but there are some cases where it wouldn't work.

Senator BAUCUS. Where do you get the power?

Mr. JONKEL. It's battery-powered with a couple of flashlight batteries.

Senator BAUCUS. Two flashlight batteries will give a bear a jolt?

Mr. JONKEL. Yes, amperage, you can get 25,000 volts. That hurts, that will knock a black bear or grizzly bear right now.

Senator CHAFEE. You mentioned that the range is being extended because of the drought, and I think we all accept that, but then you said we ought to plan for this, that the bear is going to extend its territory, and we ought to get on with planning for it. Here's a year where I think you said it's the third year of the drought. Now, what planning should take place?

Mr. JONKEL. Well, one thing certainly for this East Run area, I think it's 4 years ago I proposed that we have a team of people ready in this area when bears start causing trouble, there would be people who knew what to do and would do it. As soon as the bear started causing problems, we could change a lot of their behavior. We could turn it around if it were done promptly and if it were done with the proper procedures. And we've known how to do these for several years now. We still aren't doing it. In fact, especially in the Yellowstone area where everyone's pretty well agreed we're running out of grizzly bears.

Senator BAUCUS. But again, what does that fellow over in the Missions do? Is it Bud Sheff? What does he do that works so well?

Senator CHAFEE. Did you say he had how many bears on 140 acres?

Mr. JONKEL. He has about 10 or 15 bears that spend the summer or part of the summer on his ranch.

Senator CHAFEE. On 160 acres?

Mr. JONKEL. Yes, in a creek bottom. They're probably not all there at any given time, but they're there. There's some bears in there all summer, there's another pack that lives not too far from there. It's about 5 acres.

Senator BAUCUS. But in your best judgement, why don't the bears cause a problem there?

Mr. JONKEL. Well, one thing, Bud knows for a long time how to relate to bears and he knows where not to go and when not to disturb them. They've learned his routine, they know what he won't tolerate, and they just simply——

Senator BAUCUS. Is there livestock there?

Mr. JONKEL. He has livestock.

Senator BAUCUS. What does he have, what livestock does he have?

Mr. JONKEL. Cows, he has a pig around the house quite often, dogs. But he's made a special effort to learn how to live with the bears, and essentially teach them how to live with him through the way he conducts his affairs.

Senator BAUCUS. And with no losses?

Mr. JONKEL. Well, he had a branch ripped off of an apple tree about 5 years ago.

Senator BAUCUS. What if he were to put beehives there, what would happen there?

Mr. JONKEL. There are beehives not far from there. I don't know if Bud has any, but they are within 1 mile of his ranch, beehives. I've never heard of them being hit. Pretty much all along that front, a lot of ranchers. Bud isn't the only one. There's a lot of other ranchers along there who know how to live with the bears.

Senator BAUCUS. What do you tell Ira Perkins who's had 88 sheep killed in 1 year?

Mr. JONKEL. Well, I'd say he's doing something wrong in terms of running his sheep.

Senator BAUCUS. What should he have done?

Mr. JONKEL. Well, kept better tabs on losses and moved as quickly as possible.

Senator BAUCUS. Well, he did, he moved quite often, in fact, and still had problems with the bears even though he moved.

Mr. JONKEL. Well, if you're talking about the Badger Creek area, I take it, where he was having the problem, and I think he should have moved out earlier. I remember telling people in the area that he should have moved out sooner, because the problem was following him down. He moved out and the bears would move out with him. Maybe they were other bears.

Senator BAUCUS. Actually that was Dick Christy.

Mr. JONKEL. Well, Christy on Cheif Mountain I think should have gotten out sooner.

Senator BAUCUS. OK, I don't mean to belabor this point, but what if Bud Sheff came over, what could Bud Sheff say to Dick Christy to coexist with the bears and not have any losses?

Mr. JONKEL. Well, I think there's some areas where you just plain wouldn't pick to put sheep in. That's probably one thing he'd tell him. You could generate a problem in a lot of cases where if you go in too early or you go into the wrong place, there are some places that bears have to have that sheep don't have to have, you know. And it should be reflected, I think that's one of the big things Bud Sheff does, he knows what not to do that's going to cause a conflict with the bears.

Senator **Baucus**. OK.

Senator **Chafee**. I think there's a lot in what you're saying about man learning, I don't know whether it can be carried to quite the extent that you're suggesting, but it's certainly a very interesting thought, appreciate your coming.

Senator **Baucus**. I want to thank you very much, Chuck, for coming, and all the other witnesses, too. It's been a little warm in here, and a lot of you have borne with all the heat and all the testimony here and all the questions we've asked, and in particular I want to thank John Chafee for coming all the way from Rhode Island. He's had a great time here, he's learned a lot, and I think he's seeing a little good old Montana hospitality. We're very happy to have John here.

Senator **Chafee**. Well, let me just say to you folks, you certainly are well represented in Washington in Max Baucus. He does a super job there. He's concerned with the environment, but he's also concerned with everything that's been said here, and I think you all should feel very fortunate with the able representation you've got there.

Thank you.

Senator **Baucus**. Thank you.

[Whereupon the hearing was concluded.]

[Statements submitted for the record follows:]

TESTIMONY

GRIZZLY MANAGEMENT IN MONTANA AND THE ENDANGERED SPECIES ACT

BY JAMES FLYNN

DIRECTOR, MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS

1 JULY, 1985

Since the first Montana State Territorial Legislature was convened the people of this state have been taking steps to preserve and restore fish and wildlife resources. From a historical perspective those initial actions in conservation occurred in Montana at least a decade before General Custer died at the Little Big Horn. Montana is nationally renowned today for it's fish and wildlife and its people have been working toward that status for 120 years.

With respect to the grizzly the Montana Fish and Game Commission has been working to preserve that great animal since 1917. The fact that the grizzly bear is doing well in the part of Montana we call the Northern Continental Divide Ecosystem is not an accident. It is the result of close attention by those responsible for and concerned with wildlife management in the State of Montana.

The very reason this hearing is in Montana speaks to that attention. There is little need to convene this discussion in California, Oregon, New Mexico, Utah, or Colorado. These states as well as the federal government had the opportunity to preserve the grizzly in 1917 when our course was first charted. Unfortunately Montana's course was not followed and attention was not given at that time and so we focus on Montana today.

We are not assembled here because the grizzly bear population in this ecosystem is in peril. There is little, creditable evidence that indicates the grizzly bear is imperiled by Montana's management program. You will in fact probably hear creditable witness to the fact that grizzly bears are being found in places where they haven't been seen for quite some time.

We are here today for two reasons. First because the Endangered Species Act and its application to the species known as grizzly bear, may not allow the management flexibility to sustain the recovery of the species. In many, perhaps even most cases the act does adequately cover the management of a threatened or endangered species. But in our opinion it doesn't serve the needs of the grizzly bear.

Secondly we are here to discuss the grizzly management program of the State of Montana. As normally happens in that discussion attention is immediately focused on the hunting of the grizzly bear.

In 1974 the U.S. Fish and Wildlife Service was petitioned to have the grizzly bear in the lower 48 states added to the listed species under the Threatened and Endangered Species Act. Federal officials from Washington and Denver convinced this reluctant agency that such action was necessary, we acknowledged that process and the bear was listed. Accompanying this listing was the assurance to the State of Montana by the federal authorities that state management options would be retained, but only after much hard lining by the State of Montana and its people for those options.

In 1974 the data base to justify listing the grizzly was sketchy at best. In reality the bear was listed because there wasn't enough information to show emphatically that it should not be listed and the decision to list was made to act conservatively for the species.

Considerably more information on the grizzly is available today. That information is still subject to interpretation and the debate has lessened somewhat, but still exists. As a result there still is no clear consensus as to what management program is best for the grizzly bear. It is possible that data alone will not overcome passionately held opinions on the subject.

This lack of consensus is the result of a number of circumstances. For some who start with a personal bias for a particular solution no amount of data will suffice. Others genuinely look for more information. Grizzly bear studies have been limited, primarily due to the cost and time required to conduct research and develop irrefutable population trends. We are conducting, in cooperation with federal and private sources, bear field projects along the Rocky Mountain Front as well as west of the divide in the NCDES and in the Cabinet Mountains. This agency is an active participant on the IGBC and is normally the contact point when problem bears must be dealt with outside the national park system. These activities and our years of management of the grizzly have provided us with experience in dealing with the bear.

Even so while we can argue the population is stable to increasing others will argue that we need more research. And this brings up the matter of while we may need more information we must also know when it is time to step back and leave the bear alone. We owe the grizzly his solitude and his own space, perhaps free from our incessant probing.

On the subject of hunting we strongly feel it is a necessary management option for use in the recovery of the grizzly. In addition to research, trend monitoring and the handling of problem bears that particular management option is in order.

This testimony is not offered as a simplistic argument to preserve hunting at any cost. Our state has imposed season closures on many species when that appeared appropriate. We have closed areas to grizzly hunting in the past. The Montana Fish and Game Commission declared a moratorium on hunting grizzly bear in the Yellowstone ecosystem before the bear was listed as threatened, and we have closed the Cabinet-Yaak area and we now propose closure of the Mission Mountains. Some of the early closures are in effect to this day.

The option of season settings needs to be retained. Thus closures or openings can be conducted based upon game management decisions with public involvement. The Threatened and Endangered Species Act may be too constraining on this subject and worse yet the language allows the opportunity for some to stymie reasonable management decisions with little or no biological information, only the language of the Act.

There are some things that need to be done to further the objective of preserving progress in grizzly preservation and management. They fall into the following categories.

1 - Trust must be developed between the bear's advocates and his on the ground managers.

2 - The Endangered Species Act must be flexible enough to accommodate a reasonable management program.

3 - Habitat preservation is fundamental and without substitute.

4 - Habitat on private property is critical and an acceptable accommodation must be sought.

5 - Augmentation on a statewide basis of some populations and reintroductions should remain options available.

1 TRUST

Trust must be earned and we are working on that. While our past record should be of comfort we do not rest on it. We are in the process of writing our second programatic environmental impact statement on the subject of grizzly management under the provisions of the Montana Environmental Policy Act. I submit a preliminary draft of that document for your record. The objective is to subject our entire program to public and peer review at regular intervals.

The Department currently has bear field projects in progress. Our field people are accessible to deal with bear problems. We are close to the resource and must be responsive to the public. We accept the responsibility of working to build the trust necessary to continue this program.

2 THE ACT

The Threatened and Endangered Species Act basically seeks to recover those species determined to be in need of special consideration or concession. We support the Act and ask only that it not prevent the use of all available management techniques to achieve the purposes of the Act. The language in the Act related to the "extraordinary case" is narrow and possibly limiting to the extent that it may prevent continuing a reasonable logical, and successful management program. There is no guarantee of success for any management program for the grizzly. But restriction of pursuing all management options may take away the opportunity to find the right mix of options to achieve success. If that requires changing a few words in the law we advocate those changes.

As another example the State of Montana is ineligible for Section 6 funds to conduct grizzly activities due to another narrow interpretation of the Act by federal administrators.

3 HABITAT PRESERVATION (Public)

If there is a point of consensus on this issue it is that habitat is the key. Central to that argument is protecting federal lands and making key acquisitions in grizzly country. While the State of Montana has limited resource this Department has acquired three game ranges along the "Front" all with important grizzly habitat. All these acquisitions incidentally were made with funds collected from sportsmen.

The Nature Conservancy has joined this effort with an acquisition of critical grizzly habitat, a most commendable effort. Another hunter's conservation group is also currently working on a habitat acquisition project.

Of major importance are the other public lands along the Rocky Mountain Front and their ultimate land use allocation. In May of 1984 the State recommended adding over 150,000 acres along the "Front" to the wilderness system. We continue the State's advocacy for that classification because of the remarkable wildlife values found there, including the grizzly. Beyond these recommendations sensitive planning and responsive administration on all federal lands is imperative. Recent decisions to permit a major mine in the Cabinets and an oil well in the NCDES run counter to these needs for sensitivity and responsiveness.

4 HABITAT USE (Private)

Without doubt there is critical grizzly habitat on private lands. Single purpose pursuit of the total protection of grizzlies threatens the tolerance presently given the bear by many landowners. The bear distinguishes land only on the basis of what it needs. To manage a program that diminishes the bear's acceptability on private property destroys bear habitat just as surely as a runaway bulldozer. For years many landowners accommodated the bear within bounds of their own choosing. It is our responsibility to foster that arrangement and to be available when our assistance is required. Destroying the bear's welcome on these private habitats is more detrimental to the population than harvesting a few bears in a hunt.

This year a number of grizzly bear incidents around Choteau have taken place. In this area we have had an unprecedented number of incidents to handle and we recognize these events may not be the normal circumstance. We have learned over the past six years that some bear use of private land in this area is normal, frequent, and that we must respect the needs and feelings of the people involved. In order to maintain this historic tolerance it is incumbent that prompt and efficient responses develop when problems occur. This response takes manpower and dollars. It is necessary that the federal government which protects this species under its law assist with funding and manpower the state which manages the bear on the ground.

5 AUGMENTATION AND REINTRODUCTION

Augmentation like any other program is an option which should be available. As with any program it may work if differences of fact and opinion are resolved Current federal roadblocks to this management option should be removed so that it's potential can be explored. The same is own choosing. It is our responsibility to foster that arrangement and to be available when our assistance is required. Destroying the bear's welcome on these private habitats is more detrimental to the population than harvesting a few bears in a hunt.

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5 AUGMENTATION AND REINTRODUCTION

Augmentation like any other program is an option which should be available. As with any program it may work if differences of fact and opinion are resolved Current federal roadblocks to this management option should be removed so that it's potential can be explored. The same is true for reintroductions. If there is suitable but unoccupied habitat its full potential for the grizzly should be explored.

CONCLUSION

We have been working with the Endangered Species Act since it's passage. Montana is proud of it's bald eagle concentrations on McDonald creek and the growing strength of those birds statewide. We are pleased with the efforts we have been able to make locally with perigrine falcons. Even the elusive black footed ferret issue has shown some progress once the shrill rhetoric began to give way to the pursuit of reasoned solutions.

The State of Montana recently legislated the grizzly as the state's official animal. This designation is a reflection of both our pride in the fact that he still lives with us and a declaration of our determination to assure that this cohabitation continues in perpetuity. We can achieve this aspiration and offer as simple evidence the fact that where we have been managing the bear, evidence indicates it may be increasing in numbers.

Most of all however we are proud of what is occurring with grizzly management in recent years. Where we have intensively studied that population all indicators tell us the grizzly population is responding. It is a vote of confidence that means more to us than any other.

In closing please accept our thanks for taking the time to come and listen to all of us on this issue. It is our hope that together we can do what is necessary to assure that the Endangered Species Act becomes the asset for the grizzly bear it was intended to be.

012/6

STATEMENT OF GALEN L. BUTERBAUGH, REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, UNITED STATES SENATE, ON GRIZZLY BEAR MANAGEMENT

July 1, 1985

Mr. Chairman, Members of the Subcommittee, my name is Galen Buterbaugh. I am Regional Director of the U.S. Fish and Wildlife Service's Denver Region (Service) and current Chairman of the Interagency Grizzly Bear Committee or IGBC. It is my pleasure to be here today to describe the Service's involvement and progress in grizzly bear recovery as well as the issues of section 6 funding relative to Montana and the grizzly bear hunt.

As you know, Mr. Chairman, the grizzly bear was listed as threatened in the lower 48 States in 1975. The Grizzly Bear Recovery Plan, which was prepared by the Service, was approved in 1982 and serves as the basic guidance for actions necessary for maintenance, enhancement, and recovery of the bear. The plan identifies six ecosystems in which recovery efforts will be concentrated, including the Yellowstone, Northern Continental Divide, Cabinet-Yaak, Selkirk, Selway-Bitterroot, and Northern Cascades ecosystems.

Because of the wide-ranging nature of the grizzly and the multitude of agencies and jurisdictions involved in its management, a coordinated recovery effort involving all State and Federal agencies was essential to ensure the best utilization of resources and avoid any duplication of effort.

The IGBC was formed in 1983 to further the interagency coordination and cooperation essential to recovery of the bear. The IGBC serves as the primary coordinating mechanism for research, management, and funding needs for grizzly bears in the lower 48 States. Committee members include Regional Directors of the U.S. Fish and Wildlife Service and National Park Service; three Regional Foresters; and representatives from the Bureau of Land Management and the States of Idaho, Montana, Washington, and Wyoming. The members are all top level managers who can ensure necessary actions are implemented. Four subcommittees were also established under the IGBC to implement approved actions and to propose and direct needed research.

Since establishment of the IGBC and the resulting coordinated research effort, there has been a definite shift in grizzly bear research away from site-specific, general bear biology studies to research focusing on the effects of certain human activities on bear behavior and habitat use. Such studies will provide managers with information enabling them to better manage the bear and its habitat.

Progress on the four studies highlighted in the 1985 Senate Appropriations language is continuing. The IGBC initiated the idea for the development of the state-of-the-art compendium, which will provide a list and summary of all available information on biology and management of the bear in North America. The National Wildlife Federation was issued a contract for development of the compendium which is scheduled for completion in mid-1986.

Documentation of the best grizzly bear habitat has been completed in the National Park portion of the Yellowstone ecosystem. Portions of habitat preference studies have also been completed for the Northern Continental Divide, Selkirk and Cabinet Mountains ecosystems. Studies to determine preferred habitat and important bear use areas will be initiated in the Selway-Bitterroot ecosystem and will continue in all ecosystems in 1985.

Studies on effects of backcountry recreation, initiated in 1984 in the Yellowstone ecosystem, will concentrate on determining energy expended by bears due to avoiding recreationists and whether bears will avoid preferred habitat if recreation is occurring.

Research on the effects of roads and motorized road use was initiated in 1984 on the Canadian side of the U.S./Canadian border. Study efforts will be expanded in 1985 to document effects on and energy expended by bears as a result of avoiding areas due to motorized road use.

Another grizzly related research activity now underway in Montana includes, in the Northern Continental Divide ecosystem, continuation of the Rocky Mountain Front monitoring studies on the effects of oil and gas exploration and development on grizzly behavior, habitat use, and population status. Trend monitoring studies have also continued within this ecosystem involving air transects in Glacier National Park and scent station monitoring on National Forests.

Within the Cabinet Mountains ecosystem, baseline information continues to be gained for grizzly bear population status and distribution. This study is being funded by the Montana Department of Fish, Wildlife, and Parks, U.S. Borax, and the Fish and Wildlife Service.

Aside from the projects just mentioned, other grizzly related research now underway includes: determination of the effects of research on bears, and aversive conditioning testing. Work is also continuing on development of a trend monitoring system including scent station monitoring and area transects now underway in the Yellowstone, Northern Continental Divide, and Cabinet Mountains ecosystems.

The continuing IGBC effort has promoted management awareness and cooperation among all involved State and Federal agencies. One of the major management actions resulting from the committee's formation is initiation of a cumulative effects analysis process. This computer based analysis will enable managers to assess the change in habitat effectiveness resulting from various human resource uses by means of a computer model and will thus allow us to minimize bear/human conflicts while maintaining the greatest use of the resource. This analysis process, refined in the Yellowstone ecosystem, is now being adopted and applied to all occupied ecosystems.

Recent management efforts have concentrated on minimizing human/bear conflicts and preserving habitat areas critical to bears. Concerted efforts have been made to cleanup the garbage and storage problems existing not only in the backcountry but in towns like West Yellowstone and Gardiner. Conservation groups, Federal and State agencies, and local governments are cooperating to cleanup problem areas and purchase bear-proof dumpsters. Several National Forests have also installed large metal lockers and 12-foot-high meat poles at backcountry campsites to provide bear-proof storage for food, game meat, etc., and thus reduce the attractants for bears thereby hopefully reducing bear/human conflicts as well.

Public information and education efforts have also increased. A unified brochure on the grizzly has been developed for use in the various ecosystems to educate backcountry users on proper camping practices and the hazards of the bear. Also plans continue on production of a major public relations film on the grizzly bear in cooperation with the Audubon Society. In addition, the IGBC has made a concerted effort to inform the public, State governments and Congress both in the field and at the Washington level of all ongoing activities related to the bear.

The coordinated interagency law enforcement effort initiated in the Yellowstone ecosystem in 1983 continues to show positive results. This effort is aimed at decreasing potential bear/human conflicts and the illegal killing of grizzly bears. During 1984 alone, over 65 individual agents from the three State and three Federal agencies involved spent 5,799 hours patroling the backcountry. Total mortalities were significantly reduced in the Yellowstone ecosystem in 1983 and 1984. We believe this law enforcement effort has contributed to this reduction. This effort will continue in Yellowstone in 1985 with plans to expand into the northern ecosystem in the future.

The Grizzly Bear Recovery Plan is now being revised in order to update population goals and occupied boundaries based on the most current information. Under the normal recovery plan development or revision process, the plan will go through technical and agency draft stages to allow for agency and public comment. The revision process is scheduled to proceed through 1985 with completion in mid-1986.

The "Interagency Guidelines for Management of the Grizzly Bear" were published in the May 28, 1985, Federal Register. The U.S. Forest Service, Bureau of Land Management, Fish and Wildlife Service, and National Park Service, representing the IGBC, are seeking comments on the guidelines, which will affect management of the grizzly bear throughout the lower 48 States. Public meetings on the guidelines will be held during June and July at the times and dates included in the notice. The present guidelines consist of two major elements: (1) an identification and description of five grizzly bear management situations, and (2) specific guidelines for managing the bear as well as other resources in these areas. The grizzly bear management situations describe five different conditions relating to the status of the grizzly bear population and associated habitat conditions. They also provide general management direction applicable to such conditions. The management guidelines section provides recommended management actions relative to wildlife, timber, fire, recreation, mineral, watershed, and other special uses and provides guidance on maintaining and improving habitat and ways of minimizing or resolving bear/human conflicts.

Several of the IGBC member agencies participated in developing the first guidelines for grizzly bear management in 1979. The guidelines were originally formulated to assist State and Federal resource managers in the greater Yellowstone area. However, over the past years agencies have been using them as a source of overall direction for grizzly habitat management throughout the various ecosystems. To facilitate this wider application, the IGBC and its member agencies have proposed to revise the existing title, "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area" to "Interagency Grizzly Bear Guidelines." Other proposed modifications are outlined in the Federal Register notice.

SECTION 6 FUNDING

As you know, Mr. Chairman, a vital part of the Service's recovery program for listed species involves cooperation with the States. This is accomplished through section 6 of the Endangered Species Act which provides for development of cooperative agreements with those States that meet the criteria established by the Act. One of the primary criteria is that the State must offer its endangered and threatened species at least the level of protection afforded by the Act and its implementing regulations. The Federal share is 75 percent funding for approved projects, except that funding increases to 90 percent when two or more States jointly work on listed species.

The grizzly bear receives strong support from State efforts. In this fiscal year, for example, the State of Idaho is conducting habitat evaluation and population surveys in the Selway-Bitterroot area, surveys in the Scotchman's Peak portion of the Cabinet-Yaak area, and road closure enforcement in the Selkirks, for total funding of $57,500. The State of Washington is determining grizzly bear population parameters, habitat use and movement in the Selkirks for $36,900. The State of Wyoming is obtaining population status and trend information, habitat use information, and studying aversive conditioning methods for a total of $45,000. These funding totals only represent section 6 funding, and not the total commitment of State resources for grizzly recovery.

The State of Montana's position with regard to section 6 funding for grizzly bear work is somewhat unique, Mr. Chairman. Montana entered into a "full authorities" cooperative agreement with the Service for animals on September 26, 1979. This means that the agreement covered all listed endangered and threatened animals in Montana, including the grizzly bear. Subsequently, a Montana State law (Sec. 87-3-130, MCA) that allowed private persons to take wildlife to protect persons or livestock became effective October 1, 1981. With reference to the grizzly bear, this Montana law would allow the taking of a grizzly by a private citizen to protect livestock. However, the grizzly bear regulations promulgated by the Service (50 CFR Section 17.40(b)) allow the taking of certain nuisance bears only if efforts to remove the bears to another site are unsuccessful and even then, only if the taking is done by authorized Federal or State employees. Other takings are punishable by civil or criminal penalties.

Montana therefore allows takings of grizzly bears that are prohibited by Federal laws and regulations and has less authority to protect the grizzly bear from taking than is granted under the Federal statute. Because the Federal law sets the minimum standard, as required by section 6(f) of the Endangered Species Act, Montana does not possess the conservation authority required in section 6(c)(1)(A) to maintain its full authorities cooperative agreement. In 1982, therefore, the Montana cooperative agreement was altered to become a "limited authorities" cooperative agreement that does not cover grizzly bears. Since the Montana cooperative agreement no longer covers grizzly bears, the State is no longer eligible to receive section 6 funding for grizzly bears. However, it should also be recognized, Mr. Chairman, that while Montana no longer receives section 6 funding for grizzly bear projects, the Service has funded grizzly bear activities conducted by the State through section 15 appropriations. The amount of this funding was $30,000 in fiscal year 1984, and $57,000 this fiscal year.

Under the "limited authorities" cooperative agreement that is still retained by Montana, the State will receive $149,000 this fiscal year in section 6 funds for work on the black-footed ferret, gray wolf, woodland caribou, and peregrine falcon. Since initiation of its cooperative agreement, Montana has received a total of $393,000 in section 6 funds.

MONTANA HUNT

Another issue related to grizzly bears is that of the sport hunting season for grizzlies in Montana. The Service's special regulations for grizzly bears (50 CFR Sec. 17.40(b)), which were issued in 1975, provide the State of Montana the authority to authorize a sport hunt for grizzlies in portions of northwest Montana. Within this area an upper limit of 25 bears killed from all mortality causes is established; thus the potential number of bears available for sport hunting varies from year to year depending upon the extent of mortality from control and illegal causes realized in the population prior to beginning of the hunting season. During the course of the season the State stops hunting prior to the 25 limit being reached as a precautionary measure to accommodate possible late mortality from causes other than hunting. The total number of bears killed annually has averaged 20, with the number taken by sport hunting averaging 10 per year. The greatest number of bears taken in a single year was 24 in 1983.

In addition, we are aware that serious concern has been expressed about the adequacy of the data used to support the regulations authorizing the Montana grizzly bear hunt. The Defenders of Wildlife has gone so far as to issue the Department of the Interior and the State of Montana with a notice of its possible intent to initiate legal action challenging the legality of the hunt. The State of Montana is now assembling all available information on the status of the grizzly bear in the ecosystem and has initiated development of an environmental impact statement (EIS) to examine their bear management program, including the hunt. The draft EIS is expected to be available for review in the immediate future. The Service will review carefully the information contained in this document and determine on the basis of that review what actions, if any, should be taken to modify existing hunt procedures.

This summarizes some of the major efforts underway for recovery of the bear. The issues involved in grizzly bear recovery are complex, and there are no easy answers. They affect a broad range of land uses, public agencies, and the general public. However, there is a high level of commitment on the part of all resource management agencies to grizzly bear recovery. Over the last 2 years a coordinated recovery effort has been launched to not only better manage and learn more about the bear but to learn how other resource uses can occur in harmony. These efforts will continue so that the grizzly will remain a viable part of the Rocky Mountain West.

July 1, 1985

STATEMENT OF DEAN STEPANEK, DIRECTOR, MONTANA STATE OFFICE, BUREAU OF LAND MANAGEMENT, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, UNITED STATES SENATE, ON THE STATUS OF THE GRIZZLY BEAR IN THE NORTH CONTINENTAL DIVIDE ECOSYSTEM.

It is a pleasure to appear before the subcommittee to discuss the status of the grizzly bear as it relates to BLM habitat management responsibilities in the North Continental Divide Ecosystem.

Of those areas in the conterminous 48 states that contain self-perpetuating or remnant populations of grizzly bears, only the Northern Continental Divide population is contiguous with Canadian grizzly bear populations.

One of the unique areas of the North Continental Divide Ecosystem that is occupied by the grizzly bear occurs where the great plains meet the steep north and south running ridges which form the Rocky Mountain Front range.

The Rocky Mountain Front area is where the Bureau of Land Management (BLM) has the most involvement and responsibility for managing the grizzly bear habitat. BLM is a member of the Interagency Grizzly Bear Committee, the Northern Continental Divide Grizzly Bear Management Committee and the Grizzly Bear Research Committee. BLM manages approximately 26,000 acres of public land and 120,000 acres of split estate (private surface/Federal minerals) on the Rocky Mountain Front. All this acreage provides important seasonal grizzly bear habitat. It is also well known for its potentially valuable natural gas production areas.

Portions of the public land habitat in this area appear to be key to the grizzly bear and contain habitats where daily grizzly bear densities are as high as one bear per square mile at some times during the year. Only Kodiak Island, Alaska, is known to receive more concentrated use. Although there are seasonal population fluctuations, it is recognized that this land is essential to grizzly bears in that portion of the Northern Continental Divide Ecosystem east of the Continental Divide.

To insure the integrity of the unique resources of the area, the Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program task force was initiated in 1980. A principal goal of this program was to sponsor study efforts whereby wildlife management guidelines, based on sound scientific findings, could be developed. The guidelines were proposed to aid land managers in their planning of resource use and related human activities along the Rocky Mountain Front. These guidelines were prepared and approved in April of 1984 by the Interagency Task Force which is comprised of the Bureau of Land Management, U.S. Forest Service, Montana Department of Fish, Wildlife and Parks and the U.S. Fish and Wildlife Service. They are being applied by BLM to land use authorizations and are considered part of a dynamic planning process which is subject to periodic review. They will be modified as additional study findings become available.

The possible conflict between grizzly bears and the development of oil and gas is a concern on the Rocky Mountain Front. Since 1977, research and monitoring efforts have been geared toward this potential land use conflict. The monitoring effort was initiated by BLM and the Border Grizzly Project, followed by the interagency task force effort. Additional funding and support has been provided by the Nature Conservancy, and oil and gas companies interested in resolving the problem. This monitoring project is designed to define important habitat areas, determine the effects on the bear of various activities, and develop management guidelines to mitigate the impacts.

The Headwaters Resource Area Management Plan and Environmental Impact Statement treats management of the grizzly bear habitat and multiple-use activities in depth. Approximately 40 percent of the bear habitat on public lands in the area was rated as in questionable condition in that plan. About half of the rating is due to conflicts with livestock and oil and gas operations in and near riparian areas. A BLM-sponsored Montana State University Masters Thesis study has been initiated to determine the best methods for obtaining riparian habitat improvement with the least impacts on livestock operators.

The Headwater Resource Management Plan allows oil and gas leasing and development on 99,700 acres. Seasonal restrictions to protect the bears and other wildlife were placed on 49,500 acres and standard oil and gas stipulations were applied to 36,160 acres. No surface occupancy stipulations were required on 14,040 acres. About 18,500 acres are not available for oil and gas leasing. As a result of that plan, Outstanding Natural Areas have been designated for the grizzly bear. Land exchanges to acquire key habitat areas have also been completed.

Oil and gas drilling proposals within important grizzly bear habitats are subject to formal consultation procedures with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act. In addition, extensive documentation is prepared to comply with the National Environmental Policy Act. Public involvement has been encouraged and many environmental and industry groups are contacted during these procedures. These proposals have been controversial, as evidenced by the fact that several appeals were filed against the decision to allow drilling in the Badger-Two Medicine area.

An important area for the bear is the Blackleaf Canyon area, in the middle portion of the Rocky Mountain Front. BLM is in the process of preparing an Environmental Impact Statement on gas field development in this area, where the most pressing concern is the effect of such development on grizzly bears.

There is much to do in the future for the grizzly bear on the Rocky Mountain Front. We will strive to improve and prevent the deterioration of the habitat. At the same time, we will endeavor to allow other multiple uses, and minimize the effects of those uses on the grizzly. Accomplishing these goals will require a concentrated effort by land managers and the cooperation of users.

This concludes my statement. I will be pleased to answer any questions on this subject.

Statement for U.S. Senate Subcommittee on Environmental Pollution.
C. J. Martinka, Senior Scientist, Glacier National Park
July 1, 1985

Grizzly bears occupy a position of prominence in both the natural history and the cultural heritage of the United States. Coexistence of native peoples and the great bears was fostered by mutual respect and adaptable lifestyles. Occasional conflicts were inevitable but there is little to indicate that the relationship was biologically harmful to either people or bears. The balance shifted toward modern man when sophisticated weapons were brought into grizzly bear habitat in the early nineteenth century.

Grizzly bears currently occupy but a small fraction of their former habitat in the contiguous United States. Within this vestige, Glacier and Yellowstone National Parks play a vital role in conservation of the species. To be sure, these parks were originally established to protect natural scenes and resident wildlife but science has recently revealed that park security provides special benefits for wilderness species with large home ranges. In effect, park habitats now serve as protected population centers that greatly enhance the potential for regional conservation of grizzly bears.

Recent research points to the unfortunate fact that neither park is large enough to independently assure perpetuation of grizzly bear populations. In response, regional management concepts have been developed and programs implemented to involve each responsible agency through the shared value of grizzly bears. These partnerships focus on the habitat needs of bears as well as their sensitivity to excessive mortality. New regional responsibilities for park managers include population monitoring, genetic conservation, ecosystem research and decision involvement.

Park bear management goals are traceable to several legislated mandates and emphasize both the protection of grizzlies and the safety of visitors. These concurrent goals are addressed through several preventative practices that stress the separation of bears and people. First, an aggressive program to eliminate available garbage and camp foods has been and remains an operational cornerstone. Second, public information provides a tool that helps visitors avoid problems by making knowledgeable decisions about their own behavior while in bear country. And finally, active efforts to guide visitor travel and activity patterns are implemented where a hazard may exist.

The grizzly bear management program is supported by an information system that documents bear, visitor, and management activities within each park on a daily basis. In the event that actions to prevent problems fail, information becomes especially critical in decisions to relocate or destroy an individual animal. In each case, consideration is given to the future welfare of both the bear population and the visiting public.

The relationship between park visitors and grizzly bears has changed rather dramatically during recent decades. Certain changes, including more people in bear habitat, and fewer bear deaths, are likely to continue in the coming years. Reduced bear mortality is desirable from a population viewpoint, but when accompanied by more visitors, introduces a new dimension to future management. More specifically, as fear of humans wanes and bears seek the use of all available habitat, the probability of conflict increases. In turn, intensified management to separate bears and people is a likely scenario.

I consider park visitor management, as it relates to the grizzly bear, to be a priority issue for the coming years. Research has provided a foundation of data from which this new challenge can be addressed. However, more information on human demography and behavior will be necessary. Perhaps more importantly, field testing of new visitor management concepts is an essential prelude to broad application. Visitor use control has been implemented in both parks, but more public involvement will assure understanding and support. The concept of a knowledgeable public continues to be an exceptionally effective management technique.

For the present, there is reason for a cautious expression of optimism regarding grizzlies in and around Glacier National Park. Habitat is considered to be productive and the bear population biologically healthy. In addition, population losses are relatively stable and within acceptable limits. On the negative side, the park is drifting toward status as an ecological island as more people visit and exploit the park periphery. The implications of this trend are understood and being addressed by the new regional management partnership.

Unfortunately, current status of grizzlies in and around Yellowstone National Park must be considered tenuous. Moreover, this status will likely persist since the population is isolated and potential habitat productivity less than optional. At the same time, an intense interagency effort has been implemented and there is now some evidence to suggest that the situation may be stabilizing. A sustained reduction in bear deaths is the critical first step in population recovery.

In conclusion, I feel that progress has been made toward conservation of remnant grizzly bear populations in the contiguous United States. Public interest, agency support, and legislative action have fueled a movement that is accelerating today. The benefits of grizzly bear conservation extend well beyond the simple protection of a single species from extinction. Grizzlies and other rare species are environmental barometers that help to predict future conditions for the human species. The forecast is admittedly cloudy but I see some rays of sunshine.

COMMENTS OF THE
MONTANA WILDLIFE FEDERATION and NATIONAL WILDLIFE FEDERATION
* before the U.S. Senate Subcommittee on Environmental Pollution
July 1, 1985, Great Falls
by JIM E. RICHARD

Mr. Chairman,

Montana is blessed with the opportunity to engage in a controversy over management of the grizzly bear. Many people and organizations have played vital roles in protecting the grizzly bear in Montana. We must recognize at the beginning that private landowners, by being very tolerant of the property losses and the constant risk, have allowed the Bear to co-exist with the ranching community. Also, private landowners have often been leading advocates of protecting the grizzly.

Businessmen, industrial firms, state and federal agencies, governors, legislatures and private citizen organizations have played important roles at certain times throughout our state's history.

As the representative of the largest conservation, and the largest sportsmen's, organization in Montana, perhaps it is appropriate that I point out the significant role that sportsmen have played in protecting the grizzly bear in this state. The sportsmen in Montana have had a principal role in protecting the Bear because we have been there since the turn of the century with both financial support and political support. It has been the citizen sportsman that has both allowed and encouraged the state fish and game agency to play a lead role over the years in grizzly bear management and habitat preservation.

I lay this background about the citizen sportsman's historic role because in a minute I want to make a point about the necessity for assuring that he is included in any setting of grizzly seasons or hunting regulations.

Tolerance of Risk Along the Front

This year, probably because of both increasing bear numbers and climatic conditions, we have bears traveling farther out from the Rocky Mountain Front into the prairie regions than in the past. Bears have even been found in the town of Choteau and near Fairfield. This increased number of grizzly occurrences on ranches and near towns has created a genuine concern over the potential risks facing the general public and private landowners.

The ranchers and other residents along the Front historically have been very tolerant of grizzly bears and they have accepted the risk that always goes with living in, or near grizzly country. I assume that much of the residents' patience and tolerance stems not only from their desire to see the Bear survive, but also because, unlike park bears, these bears inhabiting Wilderness and wildlands are truly wild bears, tending to be wary of humans and therefore representing a minimal risk.

All of us must recognize that if the landowners and other residents along the Front become intolerant of having grizzly bears in their backyards, Montana will have a much tougher time saving the animal.

The Montana Wildlife Federation is sympathetic with the concerns of the residents along the Front, and we are appreciative of the tolerance they have shown over the years, and we especially commend them for being patient this year as the risk of grizzly bear encounters appears much higher. The Federation is commited to implementing means of minimizing bear-man conflicts. Compensation for losses, funds to move facilities from key bear sites, and management practices are examples of actions that Montana must consider, and we must implement those means that will effectively minimize bear-man encounters.

Federation Favors Hunting

The Montana Wildlife Federation favors grizzly bear hunting wherever a bear population is sufficiently healthy. We believe that hunting is a key element in management of the grizzly bear that ultimately will help protect him by minimizing encounters with mankind. We advocate sport hunting of the grizzly because of the sporting and recreational opportunities provided to sportsmen, and because we believe it is the most appropriate means of reducing surplus animals.

We recognize little empirical data exists which even addresses the question, but common sense would suggest that a hunted and pursued animal will be warier of the hunter and pursuer. Certainly a warier grizzly bear would seem to be a safer grizzly bear.

With the completion of the Department of Fish, Wildlife and Parks' EIS, we hope that review and comment on that EIS becomes the forum for open public discussion of the issues surrounding grizzly bear hunting. Professionals and laymen within the wildife community may have disagreements on specific issues, but through candid discussions of the issues and data we probably can reach consensus on most issues regarding proper management.

Set Seasons Only in Open Public Process

One of the most important points the Montana Wildlife Federation wishes to make is that any setting of grizzly bear seasons, quotas and regulations must be made in an open public process. The Federation insists that all regulating agencies make decisions within a process that allows ready participation by the general public and by the sportsmen. The sportsman is the "regulatee", and he foots a large portion of the management bill. Any process rendering decisions on grizzly bear seasons, quotas, and regulations which disenfranchises the sportsman is a seriously flawed process. Like all fish and game species, the grizzly bear is a public resource, and the regulations and management decisions are made by public agencies, and those decisions simply must be made in a public arena with full and honest opportunity for the public to review any data used to reach decisions and to participate in the decision-making.

Minimize Handling of Bears

No doubt more data and research will be required to enhance management of the Bear. The Federation worries that excessive handling of bears increases the risk of injury or death to individual bears, and it probably increases the bears' familiarity with humans. We recognize the need for continuing research, but we urge university and federal agency personnel to coordinate their grizzly bear research with that of the FWP so that we get a maximum of needed and useful data with a minimum of handling.

Federal Financial Help Asked

The Federation urges the U.S. Fish and Wildlife Service to help in financing Montana's grizzly bear studies. It is our understanding that Section 6 monies are not provided to Montana because of an agency interpretation that a state statute regarding landowner rights of self protection is inconsistent with that federal provision. Providing additional funding for Montana grizzly bear study would be one of the most effective means of implementing the F&WS' commitment to saving and recovering the grizzly. We suspect Section 6 funds could be made available to Montana under a good faith re-examination of the agency's interpretation of the apparent conflict. Currently state grizzly bear studies are funded primarily by the oil and gas industry, and secondarily by sportsmen's dollars. Montana would greatly benefit from federal financial assistance.

Habitat is Most Important Element

The Federation believes that the most important element in saving and in recovering grizzly bears is through protection of habitat. Pressing for habitat preservation is probably the most important point I can contribute to this hearing.

Protecting grizzly habitat depends largely on difficult decisions made by Congress and by federal agencies. Wilderness designation by Congress of known vital RARE II lands likely will be the single greatest stroke that can save and allow recovery of the grizzly bear. The Federation cannot express strongly enough the importance of designating as Wilderness key RARE II areas along the Front, and in the Flathead, Kootenai and other National Forests.

But Wilderness designation is not the only action needed to save the Bear. Federal land management agencies must make tough decisions in preparing and implementing public land and resource plans. Proper management of non-Wilderness wildlands is crucial. And as we are finding along the Front, there are non-wildland areas that are essential in providing seasonal needs for the Bear. Those lands must be managed under sound land use principles. For privately owned lands the public must provide incentives, including financial help, to assure that those private lands continue to provide for the needs of the Bear.

The Federation pledges its support to Congress and federal land management agencies to make the decisions that must be made if the Bear is to survive. We also support the issuance of jeopardy opinions under the Endangered Species Act where a proposed development threatens the Grizzly.

The general public must recognize that oil and gas development within the Northern Continental Ecosystem is going to place real stress on the grizzly bear. Although areas undoubtedly exist within the Ecosystem where petroleum development can occur with little or no impact, we believe that because the Northern Continental Ecosystem is the one clear chance we have of saving the grizzly that the state and nation must forego the potential, even speculative, benefits of oil and gas development within this Ecosystem where it will impede protection and recovery of the Bear.

Defenders
OF WILDLIFE

STATEMENT OF HANK FISCHER
NORTHERN ROCKIES REPRESENTATIVE, DEFENDERS OF WILDLIFE
FOR THE
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
REGARDING THE
STATUS OF THE GRIZZLY BEAR IN THE NORTHERN ECOSYSTEM
JULY 1, 1985
GREAT FALLS, MONTANA

Mr. Chairman, I'd like to thank you on behalf of myself and Defenders of Wildlife for this opportunity to testify before the Subcommittee.

My name is Hank Fischer. I'm the Northern Rockies field represenative for Defenders of Wildlife, a non-profit organization of 70,000 members nationwide. I reside in Missoula, Montana. I've worked in this capacity for nearly 10 years, and a great deal of my work has involved grizzly bear conservation. During this time I've observed both first-hand and on-the-ground the implementation of the Endangered Species Act, particularly as it's affected the grizzly. I'm pleased to report that while it has taken several years for agencies to fully understand and implement this forward-looking piece of legislation, the Act has now gained considerable acceptance and support. And, as Congress intended, it has played a pivotal role in the recovery of threatened and endangered species. This Committee deserves much of the praise for keeping this extraordinary piece of legislation both strong and workable.

Defenders has been consistently involved in grizzly bear management issues throughout the grizzly bear recovery area in the Northern Rockies. We meet regularly with the federal and state agencies to discuss their programs and suggest improvements. We've been intensively involved in the Forest Service's planning process specifically as it affects endangered species. On a national level, Defenders has worked hard to help obtain the necessary funding to make possible further progress in grizzly bear recovery. For the second year, in May, we published a special report on the implementation of the Endangered Species Act.

I'd like to start Defenders' testimony by sharing with you our vision of how we think Congress intended the Endangered Species Act to perform, as this perception is critical to our view of how agencies should approach recovery. In our view, it was never Congress' intent to have species stay on the endangered species list for interminable amounts of time. To the contrary, the Act places an affirmative duty on federal agencies to do everything they can--"use all methods and procedures necessary", the law

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says--to recover listed species. In sum, recovery is meant to be a dynamic process, not one where agencies simply monitor a species.

There's a careful logic to this approach. If one accepts the initial premise that it's the policy of our government to recover threatened and endangered species, then clearly the speedy recovery of these species benefits everyone--those whose primary concern is protecting bears as well as those people whose primary concern is making a living from our public lands. Having species listed for a long time means those restrictions necessary to maintain existing populations will remain in place; if numbers are extremely low, these restrictions may be significant. With an active recovery program, however, everyone can benefit. Increased numbers mean increased flexibility, and the delisting of species can mean a return to a more normal management scenario.

I sincerely believe that with such an approach, where all agencies pull together and develop positive management programs, the Northern Continental Divide Ecosystem could be recovered and delisted within 15 years, at a significant savings of time and dollars. The NCDGBE needs and deserves this kind of recovery effort; its larger and more undisturbed land base clearly provides the best opportunity in the lower 48 for the establishment of a healthy, stable grizzly bear population.

GRIZZLY BEAR HUNTING ISSUE

Congress concluded in 1973 that threatened species deserve protection. Part of Congress' protective scheme was to allow the harvest of a threatened species only where the population is overly abundant. That conclusion makes good sense in light of the precarious nature of threatened populations. It makes good sense in light of broad public support for threatened and endangered species, including the grizzly bear and the wolf. It makes good sense in light of the fact that the protective scheme has generally worked well for more than ten years. The conclusion is based upon simple but straightforward logic: recover first and hunt later.

Defenders believes strongly that minimizing grizzly bear mortality is critical to expeditious recovery of the bear in the NCDGBE. The grizzly bear's extremely low reproductive rate, which is unique among North American land mammals, makes the grizzly extremely susceptible to excessive mortality. Consequently, the grizzly is a species for which minimizing mortality may be just as important as protecting habitat. History tells us the grizzly became extinct in many areas where suitable habitat still exists.

Dr. Richard Knight, the primary grizzly researcher in the Yellowstone Ecosystem, wrote an article for the *Journal of Wildlife Management* last year in which he said the key issue in maintaining the grizzly population in Yellowstone Park is controlling the mortality of adult females. To underscore how critical even small numbers of mortalities are, Knight concluded that the difference between a stable or increasing population and the current decreasing population is the additional mortality of only one or two adult female grizzlies per year.

The NCDGBE is larger and not so isolated as Yellowstone, but the same population dynamics are at work and the same caution in minimizing adult female mortality is in order. It's not my intent to argue with those who believe hunting is an important tool for managing grizzly bear populations; that may be true in the proper circumstance. But that is not the issue. The question is at what point it's appropriate to inflict hunting mortality on "threatened" grizzly populations that may already be seriously stressed?

A specific example is the grizzly population in the Badger-Two Medicine area, which lies directly south of Glacier National Park in the Lewis and Clark National Forest. According to the research data from the area, this population is clearly not near carrying capacity, even though the area has some of the very best habitat in the NCDGBE. According to a Forest Service assessment of the area, the research data indicated where there could be 22 bears, there are only 6. Clearly this is an area where hunting is inappropriate. In a biological opinion concerning a proposed exploratory oil and gas well in the area--known as the Hall Creek APD--Regional FWS Director Galen Buterbaugh characterized the population as "severely depressed." One of the Forest Service mitigation requirements for allowing the oil and gas well to proceed was termination of grizzly bear hunting in this area. Nevertheless, this is an area where the State has consistently recommended and the FWS has consistently authorized the hunting of grizzly bears.

Defenders has been concerned for some time about the fall grizzly season in the NCDGBE. For years decisions have been made that directly affect grizzly recovery without sound population information. In 1984, a specially-appointed Interagency Grizzly Bear Committee task force issued a report concluding that available population data did not permit total population estimates, did not allow for detection of trends, or did not even reveal population stability. As a result of that report, we gave the U.S. Fish and Wildlife Service and Montana formal notice of our intent to challenge the fall 1985 grizzly season in court unless the season was modified.

Such a lawsuit would be based on a recent court decision interpreting the ESA in a case brought by the Sierra Club, Defenders of Wildlife, The Humane Society of the United States, the National Audubon Society, and eleven other conservation and wildlife organizations.

On February 19, 1985, the U.S. Court of Appeals for the Eighth Circuit ruled that a sport hunting or trapping of a species listed as "threatened" is unlawful under the Endangered Species Act (ESA) unless the population is overly abundant in the ecosystem. The court left considerable discretion to allow the taking of depredating animals.

Others have also voiced concern about the grizzly hunting season. As a result of the many concerns raised, the Montana Department of Fish, Wildlife and Parks is working on a comprehensive programmatic review of their grizzly bear conservation program using the vehicle of an environmental impact statement. That process should be completed by January of 1986, in time for decisions on the 1986 season.

We understand that the State of Montana and the U.S. Fish and Wildlife Service will be reducing the quota for the 1985 season and will be imposing new restraints on where bears may be hunted. In all frankness, we are still dissatisfied with proposals for the 1985 season. Decisions are still being made without adequate data. And decisions are not being made with the abundance of caution required by the Endangered Species Act.

Nevertheless, in light of the recent movement by state and federal agencies toward more cautious grizzly management, we may reevaluate our position with regard to a lawsuit. We will keep an open mind in the coming weeks as the season-setting process continues.

We will also actively and cooperatively participate in the state's EIS process over the next seven months. We hope that process will provide Montana with the long-needed information to make decisions that will insure survival, and hopefully, recovery for the grizzly.

POPULATION AUGMENTATION

Defenders urges this Committee to support the concept of population augmentation to help severely depleted bear populations recover more rapidly. This would involve taking small numbers of bears (definitely not problem animals) from parts of an ecosystem where populations are at capacity, and moving them to designated recovery areas where populations are low.

The area where this has specifically been proposed in Montana involves taking a few bears from the Glacier National Park population and augmenting the population in the Cabinet-Yaak GBE, where populations have been estimated by the Forest Service at less than 20 bears. Without an augmentation program, populations could persist at very low levels for decades, and positive opportunities to recover the population would be foregone. Since the augmentation would involve only very small numbers of bears at any one time, there would be ample opportunity to modify the program if any unanticipated results took place.

Clearly, population augmentation serves the interests of both conservationists and industry alike. Significant restraints will continue to be necessary with populations at their current low level; after all, the loss of a single reproductive female could arguably have a very negative impact on the bear population. If populations were increased through augmentation, however, there would be greater management flexibility.

As you know, language in the fiscal year 1985 Appropriations Bill kept money from being spent for augmentation programs; we've already lost at least one year, and we may lose another because of this unfortunate action. This Committee should support population augmentation as a legitimate and necessary management tool for speedy recovery of endangered wildlife.

COMPENSATION PROGRAMS

Defenders believes there is a problem with the current process of dealing with livestock/endangered species problems. Right now, if a rancher loses livestock, the FWS will remove the predating animal, but the rancher is not compensated.

Therefore, Defenders feels that a special program to compensate ranchers for livestock lost to threatened or endangered predators such as grizzlies and wolves should be established.

Data shows that actual losses of livestock to grizzly bears are quite low--on the order of a less than three cows and a dozen sheep per year in the NCDGBE. While this helps place the program in perspective, it's a bit like the man who drowned in a stream that averaged six inches deep: statistics provide little consolation to the injured parties.

Such compensation programs are currently in place and working in at least two locations, Minnesota and Alberta, Canada. In both areas program administrators feel that it has reduced illegal predator killing and enhanced acceptance of predators in smaller communities.

There are some key points to consider in such a program. First, it would be critical that funds for this program not come from the endangered species budget; this funding area is already very low and can't stand further reduction. Second, the program would need a structure to make sure the losses could be adequately verified by agency endangered species personnel; and third, there would need to be incentives for landowners to use best management practices for avoiding problems in areas frequented by bears or wolves. Defenders of Wildlife was supportive of a bill in the Montana Legislature two years ago that addressed many of these points.

The reason why we support such a compensation program is that the ESA necessarily restricts some of the rancher's abilities to control endangered or threatened species. We do not generally support other wildlife compensation programs.

MONTANA WILDERNESS BILL

Several of the key areas sought for inclusion in Montana's Wilderness bill this year are very critical to the long-term recovery of the grizzly bear. For the past decade, grizzly bear researcher Dr. John Craighead has been using satellite telemetry to evaluate grizzly bear habitat in the NCGGBE. He calls the grizzly bear habitat along the East Front of the Rockies--which includes Choteau Mountain, Teton River High Peaks, Deep Creek, Renshaw Mountain and Falls Creek/Silver King--"some of the finest grizzly bear habitat anywhere in the Bob Marshall Ecosystem." Dr. Craighead makes the point that much of this habitat is superior grizzly habitat to that within the wilderness and concludes, "These are the most vital areas for wilderness annexation within the state." Defenders of Wildlife agrees strongly; we feel designation of these areas will promote the long-term recovery of the species by helping establish an adequate habitat base for a viable population.

GRIZZLY MANAGEMENT IN THE NORTHERN ECOSYSTEM

There are many positive comments that can be made about grizzly management in the NCDGBE. The primary management agencies are acutely aware of the importance of grizzly recovery, and this effort has received a priority that wasn't present five years ago. The Forest Service, particularly, has made great improvements in making sure adequate habitat on National Forests is set aside for the grizzly bear. Their recent hiring of a grizzly bear coordinator underscores the level of this new commitment.

The U.S. Fish and Wildlife Service has played a key role in trying to coordinate the activities of state and federal agencies, and that's had a decidedly positive impact. It's probably been the single most important factor in helping recovery progress faster and smoother. The Fish and Wildlife Service continues to play a key role in evaluating developmental activities that could jeopardize grizzly bears. While we haven't agreed with all of their conclusions, I have been impressed with the highly professional way the endangered species staff has worked and their willingness to take a stand when the situation dictates it.

But despite the increased efforts, some problems still exist, and I'd like to bring them to your attention.

A continuing problem exists with oil and gas leasing in critical grizzly bear habitat. In fairness, it should be pointed out that some of this problem is a legacy from former times when concern about grizzly recovery was not so widespread. Nevertheless, it's clear that oil and gas leasing hasn't been integrated into forest planning in the same way activities such as timber harvest and livestock grazing have been. Conseqently, oil and gas leases have been issued in areas without adequate evaluation of how development of these leases might affect grizzly recovery. This seems to be inconsistent with the recent court decision in Conner v. Burford which found oil and gas leases on the Gallatin and Lewis and Clark National Forests had been issued without proper consideration of endangered species, primarily the grizzly bear.

That situation is an instance where leases should never have been issued in the first place; by doing so, land managers have been placed in an impossible situation. It would make far more sense to defer leases for a ten year period and then make a decision, based on the progress of grizzly bear recovery, whether such leases now should be issued.

The argument against such an approach is that leases can be issued with stipulations that would insure grizzly bear recovery efforts aren't compromised. But the record shows that compliance with such stipulations in grizzly bear country along the Rocky Mountain Front has nto been good. During the past several years there have been dozens of violations of the management guidelines established by the Forest Service to minimize the impacts of oil and gas exploration on wildlife. These concerns have been carefully documented by the State and presented to the Forest Service, but the Forest Service has seemed particularly committed to seeing the guidelines are enforced. This performance has served to further erode our confidence that more lease stipulations will solve the ongoing problem with oil and gas development in primary grizzly habitat.

Next is the ongoing concern that the Forest Service, through its forest planning process, will allocate sufficient habitat to bears to sustain recovery. We'd like to avoid painting with too broad a brush here, however, as some National Forests have made significant strides in establishment of key grizzly management areas. The Flathead Forest has set the pace in this direction. At the same time, the Lewis and Clark National Forest has had great difficulty in devising a specific program to promote the recovery of the grizzly. In some part this is due to the uncertainty caused by the possible designation of several hundred thousand acres of key grizzly habitat as wilderness in the Montana Wilderness Bill.

Another large problem yet to be addressed involves illegal mortality of grizzlies in the NCDGBE. This is an area where Defenders plans to focus in the next year, as we see it an important part of the overall mortality situation. Over the past decade, illegal or non-hunting mortalities have average approximately 10 per year. At the same time current estimates by the State place unknown mortalities at about 8 per year. If one looks at where and how these mortalities have occurred over the last decade, a clear pattern emerges. Most of the mortalities take place on the Flathead National Forest along the South and North Fork of the Flathead Rivers in portions of the National

Forest where the road density is quite high. We hope to work with the Flathead National Forest in the next year to devise a specific program aimed at reducing the number of illegal mortalities.

FUNDING FOR GRIZZLY BEAR PROGRAMS

Another of Defenders' primary concerns is the need for more money to implement the Endangered Species Act in general and grizzly recovery in particular. In testimony provided to this Subcommittee for the record earlier this year, Defenders recommended an increase in authorization levels by FY 88 of approximately twice the level set in 1982 for the Interior Department and at four times the level set in 1982 for state cooperative programs.

In testimony before the House Appropriations Interior Subcommittee and in additional meetings with staff, Defenders recommended increases for endangered species law enforcement, including funds for a forensics laboratory to help halt illegal poaching of grizzlies and other wildlife. We also specifically requested an additional $2 million for the Forest Service's endangered species work which is not limited by the ESA and additional funds for state cooperative work. On June 20 the House Interior Subcommittee added nearly as much as we had recommended and brough the FY 86 appropriation level for both the Fish and Wildlife Service and the State programs very close to the authorized ceiling.

It is essential, therefore, that the Senate Environmental Pollution Subcommittee and the full Committee approve an increase in the FY87 and FY88 authorization levels if we hope to get any increase in ESA funding. We recommend a minimum addition of $10 million in the section 15 authorizations.

Mr. Chairman, we have additional material that we would like to enter into the record with the Subcommittee's permission. That concludes my testimony.

Thank you.

National Audubon Society

Testimony before the Environmental Pollution Subcommittee
of the Senate Environment and Public Works Committee
presented by
Larry Copenhaver, president,
Upper Missouri Breaks Audubon Society
chapter of the
National Audubon Society.
Great Falls, Montana
1 July 1985

I am Larry Copenhaver, president of the Upper Missouri Breaks Audubon Society, a chapter of the National Audubon Society. I am speaking today on behalf of my chapter here in Great Falls and Audubon's half-million members nationwide. There are about 5,000 members of Audubon in Montana, giving this state the highest per capita membership in Audubon in the country.

I want to thank you Mr. Chairman and the Committee for holding this hearing. Many grizzly bear issues are currently occupying the attention of conservationists, managers, and citizens alike, and we appreciate this opportunity to offer some of our views.

To begin, Mr. Chairman, I would like to give the committee a brief summary of Audubon's contributions to grizzly bear recovery. Audubon has had an active program to promote the recovery of the grizzly bear for almost three years. Our programs have spanned the full range of grizzly bear management and policy issues. Our program has included: a cash reward for information leading to the arrest and conviction of grizzly poachers; education of the public; fundraising from corporate donors for projects benefiting grizzlies and human safety, such as the clean up of garbage in West Yellowstone, Montana; lobbying state legislatures and Congress for increased funds for research and management of grizzlies by state and federal agencies; commenting on Forest Service habitat management, forest plans, and other federal actions; encouraging cooperation between government agencies through the IGBC; and encouraging the removal or bear-proofing of garbage sources in grizzly habitat.

A highlight of our program worth describing in more detail is our grizzly bear reward. Audubon initiated its involvement in grizzly bear recovery in 1982 when we announced a reward of up to $15,000 for information leading to the arrest and conviction of anyone illegally killing a grizzly bear. At the same time we lobbied Congress for increased funding for two additional law enforcement agents to be detailed to the Yellowstone ecosystem to investigate grizzly bear cases. The result of this cooperative effort between Audubon and federal and state law enforcement agencies has been very encouraging. To date we have paid $7,000 in rewards resulting from two convictions. These convictions have served notice on would-be grizzly poachers. Known illegal kills of grizzly bears in the Yellowstone area dropped from seven in 1982, before the reward, to zero in 1983 and zero in 1984. During the recent "Operation Trophy Kill" undercover sting operation it was revealed that professional poachers were staying away from killing grizzlies because of Audubon's reward, despite their willingness to engage in a massive underground market in other species of wildlife. Given the success of the reward and the stepped-up law enforcement program in the Yellowstone area, we believe that such an effort should be expanded to included the Northern Continental Divide Ecosystem. I will speak more of this later.

Another important part of our work has been to inform and educate the public on grizzly bear issues. For example, in November 1982 an article by Tom McNamee on the grizzly appeared in Audubon magazine. The premier program of World of Audubon, our recent venture into cable television, had a story on the grizzly that was viewed by six million people. Our television department is currently planning a one-hour documentary on the grizzly for network television. At a more local level, our chapter in Casper, Wyoming, convened two grizzly bear symposia in 1984 and 1985. Both of these meetings were attended by hundreds of people from the Northern Rockies region.

Fundamental to all of Audubon's efforts is a basic principle. We believe that the grizzly can, and should, be managed in a multiple-use context. In other words, we recognize that the grizzly can not be the exclusive management priority of every area wherein it exists. Conversely, we believe that in order to provide for the eventual recovery and delisting of the bear, some other resource uses will have to be curtailed or limited. The question is one of balance. We do not advocate locking up large tracts of grizzly habitat any more than we advocate business-as-usual timber harvesting and road building. Again, the issue is balance and sound multiple-use resource management and planning.

We believe that the Interagency Grizzly Bear Committee provides the most appropriate forum for finding this balance. One of our highest priorities is to encourage cooperation and coordination between the numerous state and federal agencies involved in grizzly bear management. We have strongly supported the IGBC as the principal forum for the coordination of grizzly bear policy. The IGBC has proven itself up to this challenge time and again. Where before controversy and interagency turf-fighting once dominated and paralyzed grizzly bear management, there is now a working, responsive, professional, and credible system for addressing the full range of issues that beset the grizzly. This in itself is a significant accomplishment.

We have tailored Audubon's programs to be in concert with the management priorities defined by the IGBC. For instance, we have worked to eliminate the last vestiges of unsecured garbage from the Yellowstone ecosystem. The IGBC has determined these garbage sources as among the most significant causes of human-bear conflicts and grizzly bear mortality in the ecosystem. Our efforts have resulted the cleaning up of garbage sources in Cooke City and Gardiner, Montana. We recently obtained a $10,000 grant from Burlington Northern Foundation to help with the purchase of bear-proof dumpsters for West Yellowstone, Montana. We are very optimistic that other corporate donors will be forthcoming soon also to help clean up West Yellowstone.

Based on resource and management needs identified by the IGBC, we have determined our lobbying priorities. We sucessfully lobbied for an increase of $200,000 to the Fish and Wildlife Service's FY 1984 budget for two law enforcement agents to be detailed in Wyoming and Montana to investigate grizzly bear cases. We also secured an increase of $800,000 for Forest Service grizzly habitat management programs.

Last year, Congress directed the Fish and Wildlife Service to spend $200,000 in FY 1985 on four management-related research projects, and that this money be reprogrammed out of the existing budget. This appropriations bill also included a rider containing language that restricted the development or implementation of proposals for the augmentation of the Cabinet-Yaak grizzly population. The rider also included a requirement for public meetings for the review of the Interagency Grizzly Bear Management Guidelines. These meetings are proceeding and are serving a beneficial function. We believe that it is essential for the public to participate in the management of public lands and wildlife resources. These meetings, the publication of the Guidelines in the Federal Register, and the public comment period will ultimately serve the interests of the bear and the people living in grizzly habitat.

Now that the question of public participation is being dealt with, we should proceed with the development of an augmentation plan for the Cabinet-Yaak Ecosystem. There are probably no more than 15 to 25 grizzlies in this ecosystem. Biologists seriously doubt whether a population of this size has any long-term hope for survival, let alone recovery. The bears in such a small population face the risk of inbreeding and the difficulty of finding mates. A remnant population is also more suseptible to mortalities resulting from human-bear conflicts.

It should be noted that augmentation does not mean dumping "bad" bears from Glacier National Park or elsewhere into the Cabinets Wilderness. Any augmentation plan would call for the use of use "good" bears, that is, bears which have no history of conflicts with humans. Furthermore, augmentation is not a substitute for the population's own ability to increase, and thus would not be used to simply increase the size of the population for its own sake. Rather, augmentation is a proven wildlife management technique for shoring-up the genetic and demographic base of the population, so that it can eventually maintain itself and recover with a minimum of human intervention.

What should be of immediate concern to this committee, however, is that any augmentation program needs to be carefully designed with the best available scientific information, and that this can not occur given the current uncertainties imposed by Congressional restrictions. It needs to be determined, for instance, what sex and age the transplanted bears should be. Most likely, adult females would be prefered. Adult female grizzlies would have most to contribute to the genetic and demographic base of the population, and they would be the least likely to get into conflicts with humans. Sub-adult males, in comparison, would offer little benefit to the population's genetic and demographic base and they would be more likely to get into trouble with people.

The process of planning and implementing augmentation programs has been successfully carried out for many other species such as the peregrine falcon, whooping crane, bald eagle, moose, and caribou. We believe such a process can be fruitfully applied to the grizzly. I wish to emphasize, however, that the details of a plan would be worked out with the help of public input through the Environmental Assessment and Forest Planning process. It is important now to get that process of planning and review back on track so that augmentation can be fully explored as an option for recovering the Cabinet-Yaak grizzly bear population. We urge this Committee to do what it can to prevent restrictive language from being included in the FY 1986 appropriations bill.

This year Audubon is asking the Appropriations Committee to include a $120,000 increase to the Fish and Wildlife Service's FY 1986 budget for an expanded law enforcement program in the Northern Continental Divide

Ecosystem. As I mentioned above, such a program could be expected to result in a significant decline in the level of illegal killing, as demonstrated by the experience in the Yellowstone Ecosystem. Illegal killing continues at a high level in the Northern Ecosystem. From 1980 to 1984 there were 40 known illegal kills in this area. These figures do not include unconfirmed kills. For instance, it is suspected that the number of illegal killings on the Blackfeet Reservation and adjacent lands may even exceed the number of known killings cited above. In addition, a number of bears are also thought to be lost every year on sheep allotments. If we are to continue to have any optimism for the prospects of recovery in this ecosystem, such illegal killings must be stopped. We are also asking for $50,000 for the Fish and Wildlife Service to continue a study of the impacts of back country recreation on grizzly bears. And finally, we are asking for $50,000 to be appropriated to the Bureau of Indian Affairs to fund the Flathead Indian Reservation's grizzly bear management and research program. The Flathead Reservation is the only reservation with an endangered species management plan. These funds are needed for mapping of grizzly bear habitat on the reservation, population monitoring studies, and law enforcement.

The last topic I will cover is Montana's grizzly bear hunt. This issue has generated much controversy recently. Nevertheless, I think it is fair to say now that much progress has been made toward a workable compromise between the interests involved. We are particularly pleased with the willingness of all sides to work toward such a compromise. I would like to single out the state of Montana, in particular, for its effort to openly evaluate its own grizzly management programs through the EIS it is developing. Audubon applauds the state for the integrity it has displayed throughout this difficult process.

We are reserving judgement on what the particulars of a hunt should be until we have had an opportunity to review the Montana Fish, Wildlife and Parks Department's EIS. In general, we support a grizzly bear hunt in Montana. But it must be conservatively formulated in a way that is biologically and philosophically defensible before the scientific community, the courts, the people of Montana, and all other Americans.

In closing, Mr. Chairman, it has become abundantly clear to nearly everyone how important adequate biological information is in developing management strategies for a species such as the grizzly. Virtually everyone, I think, would agree that the data base is inadequate at present to precribe a conservative hunt, and to be confident that one hasn't erred too far in one direction. By necessity, we now have to lean toward erring in favor of the bear. Until additional funding is made available to study the population status of the Northern Continental Divide Ecosystem outside of the Mission Mountains and the Rocky Mountain Front, this conservative assessment will have to be our approach.

Thank you.

TO: SENATORS BAUCUS AND CHAFFEE JULY 1, 1985
GRIZZLY BEAR HEARING
GREAT FALLS, MONTANA

My name is John Holden. I am a rancher from Valier, Montana. I am here to testify for the Montana Stockgrowers Association which represents some 3,000 members in Montana. The president of the Montana Bee Keepers Association also asked that I present their view on Grizzly Bear Mangement, which is similar to ours.

To begin with, we do not think that grizzly bears and private property rights are compatible. The Endangered Species Act is in conflict with the United States Constitution when people cannot defend their life or property when threatened by the grizzly, without fear of being fined or jailed. Isn't it a little strange that you can get in more trouble for shooting a grizzly bear than for shooting another human being? We worry about keeping some poor person alive on a life support system in a hospital for 10 years but give the bear a medal if he kills somebody in Glacier Park. Every year we have had people in Montana killed or maimed by grizzly bears. How many people can we afford to feed to the bears? Who pays the bill when a grizzly kills livestock, tears up beehives, or damages private property? Agriculture is in dire enough straits without having to pick up the tab for grizzly bear damage.

The Montana Stockgrowers Assocation does not think the grizzly bear is an endangered species. They are thriving and multiplying on the Rocky Mountain front. We would like the law changed to allow more hunting, especially on fringe areas of their habitat, where they cause problems. The proper place for the grizzly is in primitive and wilderness areas away from people. Keep them there!

JOHN HOLDEN

July 1, 1985
Choteau, Montana

TO: Sen. Max Baucus
Sen. John Chafee

Dear Sirs:

My name is Dale Cunniff. I am Choteau's local beekeeper, and a member of "Montana State Beekeeper's Assn," whom I am representing. We are concerned about the safety of the people along the Rocky Mountain Front, East of the Continental Divide, their livestock and property.

As land owners and taxpayers, we feel the grizzly is not, nor has ever been threatened. Since he has been protected by the Endangered Species Act, he has overpopulated and moved to the privately owned foothills and flat lands east of the mountains and caused thousands of dollars of damage to bees and livestock.

We feel this problem can be solved by taking the grizzly off the threatened list. Then our Department of Fish, Wildlife and Parks can have a controlled hunt, taking only enough bears to control the population and problem bears at the same time.

To date, grizzly bear damage to my operations is somewhere aroung $12,000.00 in one month (June). This damage has to be absorbed by me. I have had 142 hives tipped over, dumped out or completely destroyed. The value of a hive at this time of the year is about the same as a beef cow, so you see the loss is ridiculous. We don't feel the grizzly has priority as we have been told. At this point, it should be noted that bear caused damage to bees is more than all other types of livestock put together.

In closing, we the landowners, farmers, ranchers, beekeepers and voting tax paying citizens just don't like big dollar interest groups telling us what we can or can't do on our own land in Montana. We feel the grizzly and the Endangered Species Act are infringing on our Constitutional Rights and our freedom. We think one grizzly bear for every 11 square miles is too many. Don't you think that's too many? We do. Do you think they are threatened or endangered? We don't.

By the way, [illegible], the grizzly is not supreme on my property. I am.

Thank you.

W.D. Cunniff
W.D. Cunniff
Choteau Beekeeper
Montana State Beekeepers Assn.
Jim Rodenburge, Pres.

Senator John Cheffee, &
Senator Max Baucus
Senate Office Building
Washington, D.C.

July 8, 1985
Great Falls, MT

Gentlemen,

This letter is in response to the Grizzly Bear Hearing held in Great Falls July 1. I would like to express my views in regards to hunting of the Bear and other concerns that I believe affect the recovery of the Bear in Montana.

First, I believe the ranching community along the eastern front of the Rockies deserve recognition and thanks for having permitted the Grizzly Bear to survive over the past century here on the edge of the prairie. They obviously reached an accomodation and a degree of tolerance that allowed the Bear to survive. Some of those ranchers include present day names such as the Peebles, the Crawfords, J.C.Salmond, Cobb, Barrett, Krohn, and yes even Sieben Ranch.

I believe the Threatened and Endangered Species Act should be renewed in order to assure recovery of the Bear and other Threatened or Endangered Species. I believe this accurately reflects the will of the majority of Montana people.

I believe the Grizzly Bear should be hunted where populations are adequate to support hunting. There are at least two factors operating that ultimately benefit the Bear's survival. First, it is my understanding that hunting triggers a biological response that results in greater productivity. More animals are produced. Secondly, a fear factor is maintained that results in fewer conflicts with humans. It is rare to have a Grizzly attack a person in an area such as the Bob Marshall. I believe the State and Federal agencies, with public participation, can determine season and limits.

There are other factors important in survival of the Bear, and that is habitat preservation. I believe the Bear has the best chance for survival in the Northern Continenetal Divide Grizzly Bear Ecosystem. It won't survive in the North Cascades,it won't survive in the Selkirks, nor the Cabinet-Yaak, and I have increasing doubts that it can survive in the Yellowstone ecosystem because of continuing commercial development in and around the Park.

One of the current threats to grizzly bear habitat in the Northern Continental Divide Ecosystem is oil and gas exploration and development. I have said many times that if this nation is so desperate that we need to jeopardize the special values that exist on the Rocky Mountain Front, then we need to be doing other desperate things in respect to energy independence. The sad fact is that we are not doing them. In fact we have been systematically dismantling past alternative energy incentives and efforts. The most recent is the termination of the Synfuels Corporation. The only incentives that are continuing with Administration support are tax incentives for exploration and development of conventional fuels. I see no reason why we should give up the amenities we enjoy on the Front to search for more oil and gas there, if we are not willing to make the effort to conserve, and to develop other alternatives that we do have.

The only policy that the Reagan administration seems to have for energy is to place a larger military force in the Middle East, and to let the market place operate. The hazards of the Middle East policy is self evident. Neither is the market place operating to promote energy independence for the nation.

What's going on in the "oil patch" is a struggle for the control of oil and gas reserves. It's about power and its about money,and it has nothing to do with energy independence for the United States of America! It is high time that federal agencies , as well as the Congress, start looking out for the energy future of the nation, and not the energy future of the oil companies. We need to diversify our energy system; oil and gas is just one part of that system. We are doing this nation a grave disservice by constantly accommodating the dogged pursuit of the last reservoir of conventional fuel. Certainly we should not jeopardize an area like the Rocky Mountain Front for the petroleum industry that is using its financial resources to corral existing reserves,rather than investing in new research and development of alternatives. The president of Unocal was recently quoted in the Oil & Gas Journal as saying," You can't have high dividend payouts and also a strong reinvestment program". The Oil & Gas industry has one of the weakest research and development programs of any major industry. This was reported several years ago in Business Week magazine and was reiterated by an industry spokesman in the Oil & Gas Journal last summer.

To summarize: The Endagered Species Act should be renewed.
Emphasis on the Grizzly Bear's survival should be placed on the Northern Continenetal Divide Ecosystem. This represents the best opportunity by far.
Agencies should continue to include the public in planning for management of the Bear.

Thank you for the opportunity to comment.

Respectfully,

George N. Engler

George N. Engler
2412 5th Ave. South
Great Falls, MT 59405

In the last two years a sort of hysteria, promoted by extremists, has pervaded Teton County. It might be called the grizzly-bear syndrome.

It is true that in the two years the grizzly has come from the mountains out on the plains as it has not done before in the memory of living observers. Yet in that time the damage has been limited to a few commercial beehives and twelve sheep. Except for the fright a bear near his doorstep naturally caused a farmer, the grizzly has not harmed one human being, though heaven knows humans have provoked it enough. A recent example is an incident east of Fairfield where the bear just mentioned, chased by authorities who sought to tranquilize it, took refuge in a windbreak. The word got around, and people jammed in cars and hurried to the scene, and some of them let their children get out and throw rocks into the timber. The bear thus had reason to come out charging, for even a cow, pestered enough, will go on the peck. But this bear stayed in the windbreak and finally was tranquilized.

The case has a sequel. The bear, transplanted to the headwaters of the Flathead, came back to Teton County and in the neighborhood of the town of Bynum, raided some beehives and killed six sheep. Tranquilized again, it was taken to Missoula and put in charge of Dr. Charles Jonkel, widely known authority on bears. He is engaged in a program to induce fear of humans in problem bears. By latest report, of the nine he has treated only two have been troublesome afterwards. That's not proof of final success, of course, but it gives reason for hope.

The story just told about the Fairfield bear and the crowd that gathered has been much the same elsewhere. Let it be known that a grizzly is in sight somewhere, and whole families leap into cars and go hence. They are not only curious but, I think, also drawn by the exciting prospect of a bit of danger.

All manner of rumors has circulated in Choteau. One man reported he had counted nine grizzlies at a feed lot about eight miles north of town. Another reported signs of a grizzly right in town. The reports were without foundation, except perhaps for the sighting in town, but it is in the nature of people to want to believe.

One factor, in addition to dry seasons and the want of wild fruits and tubers in the mountains--- one factor that attracts grizzlies to the plains is the careless manner in which ranchers and feed lots dispose of dead livestock. They leave the animals out in the field or dump them into open trenches. When an east wind blows, the scent carries west to the bears.

It is characteristic of the extremists to blame the bears entirely, not the dead-animal practice. It is also characteristic to look for scapegoats. In this instance one scapegoat is the Nature Conservancy and the Pine Butte Swamp that it owns. It is no use to point out that the swamp and its environs have been managed no differently as to bears than it was for years under private ownership. Hot heads can't tolerate cold facts.

Yet the rancher who loses stock on private land should be paid damages if he is reasonably careful in the disposal of dead livestock. Nothing should be paid for those who lease public lands in and near grizzly habitat. They went in with their eyes open and took their chances and suffered losses. They bet and lost. No one repays a losing Las Vegas gambler.

The hysteria remains, fed by extremists, rumor-mongers and sometimes by newspapers. The news story about the Fairfield bear was sober and well-balanced in the Great Falls Tribune, but the sensation-seeking headline writer had in black letters something like this: Grizzly wreaks havoc in Fairfield area. What nonsense!

It is equally foolish that people keep asking me: "What about bears around your place?" I live rather close to Pine Butte Swamp and closer yet to the canyons of the Teton River and not once have I seen a grizzly in the neighborhood.

The extremists give a passing bow to conservation, saying of course they don't want all the grizzlies killed, but I suspect, if their true impulses were augmented, that would mean the end of Old Ephraim and with him the finest living reminder of pioneer times in the nation.

A B Guthrie, Jr.

A. B. Guthrie, Jr.

U.S. SENATE COMMITTEE ON ENVIRONMENT
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
STATUS ON GRIZZLY BEAR
GREAT FALLS, MONTANA July 1, 1985

TESTIMONY: Don McKamey, Millegan Route, Great Falls, Montana, 59401; President of the Montana Wool Growers Association; Sheep and Cattle Rancher

Distinguished Senators. For the record my name is Don McKamey; I am a sheep and cattle rancher and currently serve as President of the Montana Wool Growers Association. We have 2,400 members who are attempting to make a living by raising sheep and other agricultural products. Our association has watched with great interest the Grizzly Bear issue over the past few years.

It is well that I point out at the start that not a livestock operator has some inbred hatred for the Grizzly Bear, or any other animal for that matter. We become concerned only when the Grizzly Bear kills our sheep or cattle, destroys beehives or other property, endangers the lives of our families, ranch employees or ourselves. Unlike many others, livestock operators have something to lose when Grizzly Bear populations expand or a limited population starts killing livestock. We lose our property and the ability to raise livestock in a given area for a living. Unlike many others, we understand that the Grizzly bear, like the black bear, coyote, wolf, Golden Eagle, fox and bobcat, is a predator. They kill, on most occasions, for their keep.

Your Hearing today is to get people's perceptions. As President of the Montana Wool Growers Association, I am telling you that Grizzly Bears are predators; that they kill livestock and destroy property. We, as livestock operators, should not be expected to sit idly by and allow the Grizzly Bear, or any animal, to take the livestock. We are not in support of being paid for his damage. The offending Grizzly Bear must be dealt with directly, for once the Grizzly starts killing livestock, it will not quit. Case study has proved that to be a fact nearly 100 percent of the time.

As with most livestock operators, we have "a care" for the animals we raise. I, for one, believe that I am responsible for their well-being and it is my job to protect the sheep from attack. We hear a considerable amount of emotion for the poor old Grizzly Bear...what about some emotion for the defenseless sheep and cattle which are killed, and sometimes eaten alive, by predators?

As a resident of Montana, I also am concerned about the liability the state or federal government might be making for loss of life, or injury cased by Grizzly Bear attacks. I note to the committee that a Wisconsin citizen has recently filed a three million dollar lawsuit against the federal government, due to the loss of her son some two years ago, caused by a Grizzly attack. In this particular incident, the Grizzly was in no way threatened by the men involved--the Grizzly attacked them while they were sleeping in their tents. What are the costs to the taxpayers of such lawsuits or insurance to protect against the suits?

The Montana Wool Growers Association is supportive of the Montana Fish and Wildlife Department's proposals for limited hunting of Grizzly Bear as a management tool. We concur with their responses in support and emphasize that the hunting may well make the Grizzly Bear leery of mankind. Opponents to the hunting of Grizzly bear as a management tool should be recognized as the non-consumptive, non-hunting groups they represent.

Several of our members have had increasing problems with Grizzly Bear attacking their sheep, and in a moment I am going to relinquish my time to one of them, who shot and killed a Grizzly which had been killing his sheep for over two weeks, and was on it's way into the band for more kills.

This year sheep operator Ira Perkins of Bynum has had Grizzlies in his sheep. Joe Helle, at this very time, is in the midst of conflict between his sheep and a Grizzly. Mr. Helle ranches near Dillon and the Grizzly in question appears to be the same Grizzly that killed sheep on his ranch a year ago. The bear was collared and fitted with a radio transmitter and removed some 125 miles. He came back to the range last fall to hibernate; woke up, went back to Yellowstone Park; but now is back and has killed at least two sheep. Sheepmen know a Grizzly attack--unlike black bear--the Grizzly bites the head with terrific force, enough to displace the eyes of the sheep from the socket. Indeed, Senators, not a pleasant death for the sheep, nor for any livestock producer to have to witness.

A number of association members had Grizzly problems last year, including: John Baucus of Wolf Creek, to the south of Great Falls, and Teddy Thompson of Big Timber. In the Thompson incident, the kill was on private lands and Grizzly Bear management on private lands must be considered in a proposed management plan. That management cannot deprive a man of his personal rights.

Sheep numbers in Montana have fallen 50 percent since 1972. A large amount of that drop is caused, in part, by the inability to control predators, although coyotes are the sheep producers biggest predator problem.

We see many adverse regulations placed on predator control tools in the name of protecting an endangered specie. Should a Grizzly Bear or wolf possibly be in an area, we are not allowed to use M-44 devices for coyote control; in the case of wolves, efforts were made to ban aerial hunting of coyotes to insure a wolf isn't shot by mistake. Protection of endangered species affects predator control.

We have heard comment that sheep grazing should be removed from any areas where there are populations of Grizzly Bear. We object to such reasoning. Forest Service lands should be managed for multiple use, and that includes grazing as authorized by Congress.

Senator Baucus, I would now like to call on Dick Christy of Fairfield, a member of the association who has had direct contact with Grizzly Bear and the problems Grizzlies create for livestock production in our state. I'd be happy to answer any questions.

SEP - 6 1985

GRAND TARGHEE
ALTA, WYOMING
VIA DRIGGS, IDAHO 83422
(307) 353-2304

September 4, 1985

The Honorable Steve Symms
211 Federal Building
581 Park Avenue
Idaho Falls, ID 83401

Dear Mr. Symms:

I am sorry that I was unable to attend the public hearing on Grizzly Bear Management that you presided over in Idaho Falls, but some how I missed the public notice. Therefore, I am sending you my written comments and hope they will be included in the record.

First, I am an outdoor enthusiast. I have hunted big game in Idaho Primitive Areas, Wilderness Area, the River of No Return, the Bridger-Teton, the Gros Ventre, the Jerediah Smith and several of the national forests in Idaho and Wyoming. I was born and raised on a ranch, lived in big cities, and now manage the Grand Targhee Ski Resort on Targhee National Forest.

I think the human-grizzly bear conflicts have arisen because of the handling of grizzly bear. The past handling and management of grizzly bear has caused him to lose all fear and respect for the human being, his animals, and his property. Therefore, we should:

(a) hunt the nuisance bear,

(b) use rubber bullets or whatever is necessary to instill a deep fear of man in the grizzly,

(c) use dogs to put him in the back country and make him develop a fear of man and his animals.

Bears that cannot be taught a fear of man should be eliminated. It makes no sense to turn the country back over to the bear, the indian, and whoever was here before us. We do not accept humans as killers on the streets. I see no reason to accept bears as killers on our trails and mountains.

The human-grizzly bear conflict must be resolved in favor of the human race. The grizzly does not have a God-given right of eminent domain.

Respectfully,

Larry H Williamson

Larry H. Williamson
Executive Vice-President

LHW:dwn

cc: Senator James McClure
Senator Malcolm Wallop
Mr. Richard Cheney, State Representative
Mr. Richard Stallings, State Representative

GRIZZLY BEAR MANAGEMENT

TUESDAY, SEPTEMBER 3, 1985

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION,
Rexburg, ID.

The subcommittee met at 1:30 p.m. in the Madison County Courthouse, Rexburg, ID. Hon. Steve Symms presiding.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Good afternoon, ladies and gentlemen. I am pleased to see all the interest in this hearing here this afternoon. Just for a little bit of background information, there are just under 5 million acres in the Yellowstone ecosystem that have been identified as grizzly bear habitat. Most of the Yellowstone system is designated wilderness with only about 1 percent being private land.

The lower 48 States grizzly population is concentrated mainly in Idaho, Montana, Washington, and Wyoming, with the total grizzly population being estimated at 750 to 1,000. That's in this surrounding area of the lower 48 States and should not be confused with the big grizzly population residing in Northwestern Canada and Alaska. It's my understanding that there are well over 40,000 grizzlies living in that area. About 200 of the bears are in the Yellowstone area.

Montana allows for about 20 grizzlies to be hunted, and there are no other legal hunts.

The management of the Yellowstone grizzly is coordinated by an interagency committee, composed of representatives of the Fish and Game Departments of Idaho, Wyoming, Montana, three Forest Service regions, the Fish and Wildlife Service, and the National Park Service. The Fish and Wildlife Service is the lead agency.

For management purposes, there are five situations identified based on bear habitat and occurrence. The management varies from situation 1 where the bear has primacy, to situation 5, where grizzly habitat is a minor consideration, and bears are probably not present. In the case of bear/human incidents, the committee must agree on action. Guidelines have been circulated, listing appropriate actions in each situation. Since the act was passed in 1975, there have not been any recorded human injury incidents in Idaho, although stock losses have been significant. I say that for the benefit of all of us here and to set the stage for this hearing.

I want to welcome all of you, and I appreciate your interest in this hearing of the Environmental Pollution Subcommittee of the Senate Environment and Public Works Committee.

We have with us here today, from our committee staff, Steve Shimberg. If there are people here who would want to submit testimony give it to Steve. If you don't have it prepared, we will keep the record open for you to send it in. I am going to be leaving Rexburg at no later than 4:30; I have to catch a plane in Idaho Falls this afternoon. I think we can give everybody a chance that wants to testify and still keep to that schedule. We have those witnesses who are scheduled to testify, and then I will have a period of open mike. If we are still going on by 4:30, I will leave the committee in charge of our committee counsel, and I will leave. I think we will easily be completed before 4:30.

The purpose of this meeting is to consider the workings of the Endangered Species Act and management of grizzly bears under its provision. It's a difficult and emotional subject. My object in calling this hearing is to determine the frequency and importance of human/grizzly bear conflicts and ways to minimize those conflicts.

Idaho supports portions of the six known U.S. grizzly populations. Today I want to concentrate on the Idaho portion of the Yellowstone ecosystem, leaving the three northern Idaho units for consideration at another time, while assuming that the same basic principles will apply in each case.

Let me first state that I consider myself propeople. This sometimes makes others on the committee who have spoken up quite vociferously about the bears think we're antibear. That is not the case, I just feel that in a human/bear conflict, that we should have our priorities straight and people should come first over bear.

I think, at the same time, that we recognize that the Endangered Species Act, whether we agree or disagree with it, is the law of the land. It was enacted because, at the time it passed in Congress in 1975, it was necessary to protect rare and endangered plants and animals from extinction. Now as a citizen and a Member of Congress, I intend to devote my best efforts to making that law work. Many, if not most, would agree that the management of the grizzly bear may be the most difficult challenge under the Endangered Species Act.

The grizzly bear is a magnificent animal, but at the same time, it's huge, strong, frightening, capable of inflicting human injury or death, as well as appalling livestock losses and property damage.

When the early travelers came out on foot in the early part of the 18th century to this part of the West, some of the earliest fur trappers and traders and so forth, they often made the comment that man can eat bear, but bear also eats man. We've had this conflict going on ever since then. I think that's part of the reason it makes it more complicated. Like all bears, the grizzly is a very adaptable creature with a hearty appetite for everything from ants to wildflowers to sheep, and with a particular propensity to garbage dumps.

Yet in spite of its adaptability, the grizzly has a low reproduction rate. The females in Yellowstone averaging .67 cubs per year, figuring a 50-50 sex ratio and 50 percent cub mortality, it appears that a bear population explosion isn't in the cards in the near future.

In addition to its appetite, the bear has a characteristic that often brings it into conflict with people. It's a wide ranging animal. Studies show that an adult male will claim a home range of anywhere from 40 to over 600 square miles. It's obviously not an animal you can turn out to pasture in the back 40 and forget. The grizzly appears to actually require solitude and reacts negatively to overcrowding.

Taking these factors together, it's obvious that living with the grizzly is a challenging thing for us in modern society. We must continue to work toward minimizing, if not completely eliminating, bear/human conflicts. In an effort to make that system work a little better, I propose an amendment to the Endangered Species Act that would: First, make even clearer the right of self-protection in bear attacks, so that there's no question that we can protect our own lives in the event of an attack by a grizzly bear. I've often said, if you want to ruin your day, the best way to do it is to get a grizzly bear in the tent with you. Second, to compensate stockmen from losses from grizzlies, and, third, compensate stockmen for expenses of moving stock to other ranges to avoid incidents.

One of my purposes in holding this hearing is to determine if this amendment would be helpful and if it goes far enough. In my own personal opinion, I think a rancher should be able to take whatever means are necessary when a bear is killing the livestock. I think we should look upon this somewhat as a form of conservation, but also what would our grandfathers do. That's a question I'll be asking the witnesses when they get to the table.

We can see that this hearing has aroused a considerable amount of interest, and I appreciate all of you coming here today.

I will reintroduce Mr. Steve Shimberg who is the subcommittee counsel and works for our chairman, Senator John Chafee from Rhode Island. Senator Chafee, incidently, as well as being the chairman of the Environmental Pollution Subcommittee is also the chairman of the Republican Conference in the U.S. Senate. We welcome Steve out here so he can see a little bit of God's country and also, Steve, you'll get to hear what some of the concerns are.

I said, it is the intention to complete this hearing by about 4:20 at the latest. The way I hold hearings in Idaho, and we've already held three hearings on the tax proposal of the President; I've had one hearing on the Federal Highway Program with our Subcommittee on Transportation, which is another Subcommittee in the Environmental Public Works Committee; and, also I had one hearing in Twin Falls held by our education task force on literacy and education, I like, at the end of the hearing, to conduct a period of open mike.

We have three panels scheduled to testify. The first panel represents the Woolgrowers, the Cattle Association, Forestry Service, Petroleum Council, and Farm Bureau. We'll let each witness make their case. I hope all the witnesses will say what they want to say in less than 5 minutes; but I don't like to cut people off when I know how hard you've worked to prepare. After your presentations, I'll ask questions.

The second panel will be the Fish and Wildlife Service, the Park Service, the Department of Fish and Game, and the U.S. Forest Service. We'll hear them and then we'll have some questions.

Then panel 3 will be the Idaho Conservation League, the Audubon Society, the Idaho Environmental Council, the Sierra Club, and the Wildlife Federation. Then if there is anybody else here who has the urge or desire to say something for the record, we'll ask you to identify yourself and make a very brief statement. We'll try to keep those statements to around a minute or two.

We will keep the hearing record open if any of you want to submit written testimony. We want everyone to be able to say whatever it is that's on their mind. My hope is that in the process of gathering information, we can try to work out a meeting of the minds of the two parties, those that are strongly pro-bear and those that are strongly pro-people, and that we can resolve something so that we can make this thing work and not have a situation that just begs for common sense. I don't think that the framers of the original Endangered Species Act ever meant to have grizzly bears, which are not in short supply in the North American Continent, end up having a total priority over the species of homosapiens. So I think that we've got to keep that in consideration.

If there's no further comments from anyone, will the first panel please come up and be seated at the witness table. That would be the Idaho Woolgrowers. Is Bill Siddoway here? Come on up, Bill. The Idaho Cattle Association with Blair Fisher, the Intermountain Forestry Service with Jim Riley, the Idaho Petroleum Council with Andy Anderson and the Idaho Farm Bureau with Dave Mabe. So if all of you will just sit here at the table. Is Emery Davis here? Why don't you slide up at the end here.

Mr. DAVIS. I can wait and do it after you've gone through your panels.

Senator SYMMS. OK. Then we'll go on with our scheduled witnesses, and at the end, Emery, we'll have a spot from you.

Bill, welcome to the subcommittee and nice to see you again. Bill Siddoway and I go clear back to the days of the House Ag Committee and the coyote war. I don't know, Bill, who's winning that, the coyotes or the sheep?

Mr. SIDDOWAY. I think the coyotes are increasing in population and the sheep are going down, Steve. We're still going to change it.

Senator SYMMS. Please go right ahead, Bill, and we'll get right into this.

STATEMENT OF BILL SIDDOWAY, IDAHO WOOL GROWERS ASSOCIATION

Mr. SIDDOWAY. Senator, my name is Bill Siddoway. I'm a sheep rancher. I guess I'll read this, this is the official policy of the National Woolgrowers Association, as well as the Idaho Woolgrowers. I serve on the National Woolgrowers Association Grizzly Bear Management Committee and also serve as chairman of the Targhee Forest Grazing Advisory Board.

Management of the grizzly bear in the Yellowstone ecosystem has reached a point that the program presents numerous inequities to in-holders, resource users and the public itself, while at the same time often endangering the species it was designed to protect.

Prior to 1972, problems with the grizzly outside the Yellowstone Park were minimal. It was about this time the National Park Service closed all the dumps in the Yellowstone National Park and the bears, grizzlies and otherwise, faced a sudden food shortage and did the natural thing. They left.

It was then that a severe problem regarding grizzly bear and resource users outside the park boundaries materialized. There is little doubt that the National Park Service based their grizzly bear management plan on the preservation philosophy, that is all elements affecting the bear must be natural.

I believe the past 14 years have certainly proved this management philosophy to be a mistake. There is nothing natural about grizzly bears eating out of the dumpster in West Yellowstone or chasing a tourist through the campground. A sound management program must be implemented that would encourage the bear to remain within the park boundaries as much as possible.

We have long favored a supplemental feeding program within the boundaries of the natural forest. We feel such a program would entice the bears to remain in the park and lessen significantly the conflicts now experienced in the resource management areas. The environmental community has always opposed this concept and put forth the idea that the successive generation of grizzly bear will eventually wean themselves of an unnatural food source, such as livestock. We submit that even if this is true, we had better wean the bears from a controlled supplemental feeding program in an area that is conducive to bear than try to wean the bear from food sources in the resource managed areas.

Another major problem with management guidelines for the grizzly bear is that they have extended situation 1 areas, that is the areas that are managed exclusively for the bear, past the boundaries of good common sense and in several cases have joined the areas with situation 3 areas which is private land. What is lacking is a situation 2 or a buffer zone between the two areas, which gives all parties involved the chance to work things out before a conflict arises.

We have long sought regulations that require a situation 2 zone be established for a minimum of no less than 5 miles from now existing situation 3 areas. We have also sought regulations that would require grizzly bear found in situation 2 areas to be transported immediately back to the confines of the park. Do not wait for the known bears in this zone to become involved in a conflict. This would go far in protecting the private property, as well as ensuring the safety of the public, utilizing the areas.

In July of this year, a grizzly bear, or what was thought to be a grizzly, killed approximatly 24 head of sheep over a week's time in the situation 2 area near Island Park. The mass confusion displayed by Federal agencies involved in reacting to this situation demonstrates the need for a written agreement stating which agency is responsible for the conflicts involving threatened and endangered species.

What we have now is a minor turf war between the Idaho Fish and Game, the U.S. Forest Service, the U.S. Fish and Wildlife and all in charge of removing the marauding bear. In the Blanchard case, a helicopter was used to transport several dozen agency personnel into the conflict area. We question whether an intent to capture the bear was ever really present.

The Idaho Sheep Commission in 1958, the Idaho Department of Fish and Game and the U S. Fish and Wildlife Service in the Animal Damage Control Division of the U.S. Fish and Wildlife signed a cooperative agreement stating that the U.S. Fish and Wildlife Service will manage all the animal damage programs in the State of Idaho. This agency has worked closely with the Idaho Department of Fish and Game in administering this program. They possess the experienced personnel and technological advances in coping with predator problems. In our opinion they should be in charge of all predator problems. It should be up to them to request assistance from other Federal and State agencies.

In closing, Mr. Chairman, management guidelines for the grizzly bear in the greater Yellowstone area are in need of a good overhaul. A healthy dose of good common sense needs to be applied, along with a willingness to face reality. Managed resource areas completely surround the Yellowstone National Park. To lessen the probability of conflicts with the grizzly bear, they in turn need to be managed on a level equal to management outside the park boundaries. A good starting point would be to determine just how many bear there are in the Yellowstone area. Estimates place the numbers now between 185 and 210 bear with 350 head the recovery goal. We submit presently there could very well be the 350 bear needed for the declassification and take the bear off of the threatened species. Thank you.

Senator SYMMS. Thank you very much, Bill, for an excellent statement. Next we hear from Blair Fisher. Then I have some questions for all of you.

STATEMENT OF BLAIR FISHER, IDAHO CATTLE ASSOCIATION

Mr. FISHER. Thank you, Mr. Chairman. The Cattle Association statement is very similar to Bill's, so I'd like to highlight on the three areas.

We would like to stress the three points that we figure we have a real problem with. That's the situation areas where you've got a situation 1 against a situation 3 with no buffer zone. We feel like there should be a buffer zone in there of some kind to handle that bear before he has conflict with people or livestock.

The other thing we're concerned about is to have one agency responsible for that bear when he's within that area. We feel like there's too much time spent in meetings talking back and forth, who's going to move the bear, what are we going to do with this animal, and we'd like to see one agency designated to have this responsibility when a bear comes within that area.

Senator SYMMS. Which agency?

Mr. FISHER. Whether it's Park Service or Forest Service, any appropriate agency within that area. It doesn't really make any difference to the Cattle Association, as long as we have one agency responsible for it, because we feel like there's conflict between those agencies a lot of times to move that problem bear. And we don't see why everybody should be in on the moving of one animal, you might say.

The other thing is artificial feeding or some kind of a feeding program within that park. We feel like the bear is just like our domestic livestock. They need a high-protein diet and good range. If that's provided for them within the boundary, the bear will stay back there and you might say mind his business without coming out into these range areas.

That's the three points we would like to bring forth, and I thank you very much.

Senator SYMMS. Thank you very much for your time. I know you all have other things you could be doing such as looking after business. I do appreciate hearing from all of you.

Jim Riley, Intermountain Forest Services.

STATEMENT OF JIM RILEY, INTERMOUNTAIN FORESTRY SERVICE

Mr. RILEY. Senator, as you know, I'm Jim Riley with the Intermountain Forestry Services. Intermountain Forestry Services is a trade association representing forest products companies here in southern Idaho as well as Utah, Colorado and Wyoming.

I apologize for not having a written statement here today. I'll submit one for the record in the near future. I can initially comment from a broad perspective that as an association we're quite concerned about how the issue of grizzly bear management has evolved and is continuing to evolve in such a major polarized controversy. The problem from our perspective is one of loss of perception, as we would see it, on a great many people's part. The fundamental principles on which public resource management policy in this country is based. What seems to have been lost sight of is the concept that proper management of the resources is accomplished when human utility is maximized, not when any single resource is optimized.

You've cast the controversy today in terms of those in favor or bear rights versus those in favor of human rights. We've heard that several times. I would argue that in favor of your position, we are in favor of human rights. Also we view the bear policy as set forth by the authors of the Endangered Species Act have been one of assessing the human utility associated with preserving endangered species, not preserving endangered species for the utilities themselves.

My concern is probably the best reflected by several recent discussions I've had with friends of mine who work for various wildlife management agencies and various special interest groups. I've contacted them recently in an effort to assess why their policies seem to be increasingly antagonistic toward the forest products industry, when we are doing more today than we've ever done in the past to be flexible in regards to forest management and harvest techniques, both on public land and private land and all of our flexibilities in order to better coordinate our harvesting to meet wildlife objectives.

The result of these discussions has been a response that their basic management objectives of the various wildlife agencies and the special interest groups has been simply defined as to maximize the various wildlife principles, wildlife species, and other special interests which they define the group for, rather than adopt some sort of broad concept of integrating the management of the species and/or the interest in the broader concept of public utility.

The posture is probably best explained when I recently suggested to a representative of the Idaho Fish and Game that maybe their mission is better defined as being one of managing Idaho's wildlife population, including the grizzly bear, in response to the express demands of the people of Idaho to coordinate management of wildlife in response to other resource uses. The department's representative's response was to quote me a section of the Idaho code which concluded that yes, no, the Idaho Department of Fish and Game's responsibility was to maximize wildlife, period, in the State of Idaho. I would submit it's this advocacy attitude in support of single resources that have caused this problem with the bear to develop in such needless controversy, as well as with special interest groups.

What we need to do at this stage of the game is to analyze the tradeoffs involved. When I speak to tradeoffs, I mean the human, the social, and the economic tradeoffs, the various resource management policies, particularly those of the grizzly bear. We need to view these tradeoffs in the concept of maximization of human utility and not as to what optimizes as single resource.

From the forest product standpoint, we are not opposed to preservation, protection, and/or active management of the grizzly bear. Our conflict with grizzly bear management is management restrictions that are placed on operations in the woods. We, for a long time, have been operating timber sales in the presence of grizzly bear in the State of Idaho, as well as in Alaska and several other parts of the country, and have learned to live with the bear. I guess it be that way.

This does not, in our perception, it does not need to be an all or nothing proposition. It's not all the bear or all anything else. With our many years of experience in the woods, timber management of the grizzly bear and the grizzly bear are not necessarily incompatible. However, we would submit that absolutely optimum timber management and absolutely optimum bear management probably is incompatible. And the correct attitude to adopt is one of how far can we come off the optimums in terms of human utility tradeoff to find a correct mix for both timber resource use and bear management.

Finally, I would just like to speak to what has been raised a couple of times here. A substantive recommendation I have to the subcommittee. That's that we really need at this point in time an accurate population data concerning the bears in the Yellowstone Ecosystem. We've inquired many times and sought some clear statement as to how many bears exist relative to recovery and those sort of statements. And that information has been very difficult to obtain. It's difficult for us to understand how any sort of rational management policy can be developed for the bears in the context of the Endangered Species Act unless we know how many there are and how many constitute a threatened species. Maybe the bear's no longer threatened, and it's certainly been our impression in the woods.

That concludes my comments, Senator. I would like at this point to introduce Tom Worden who's on my right here. Tom is the chief forester of Idaho Forest Industries in St. Anthony, ID, and has some more specific comments relative to what's happening in this part of the country.

STATEMENT OF TOM WORDEN, FORESTER, IDAHO FOREST INDUSTRIES

Mr. Worden. Thank you. Like Jim said, I'm a forester for the Idaho Forest Industries in St. Anthony. The sawmill logs about 40 million feet a year, employes about 100 people at the mill and probably another 100 in the woods. We log on several national forests in the area. The majority of the volume is taken off the Targhee. You may or may not be aware that Targhee is in a salvage situation, because of the pine beetle. It came through and killed thousands of acres of lodge pole. So it is a pretty intense logging situation right now, mainly to regenerate the forest and to get a lot of this ground back into production.

In our logging operations, we do have, and with our Forest Service contracts, we have a lot of restrictions and regulations. They can suspend our logging activities if there is a presence of a bear. There's also things that affect our camping areas in order to minimize the human-bear conflict. So far we haven't been shut down in any timber sales. We did have a bear den in one of our sales last year. We reported it to the Forest Service and they did study it and determined it was a grizzly bear. We've been logging on a sale in Montana for about 3 years and there's been a grizzly bear in that sale area for those 3 years. It's been sighted every year walking up and down the roads.

So it really makes me believe that logging and the grizzly bear can be compatible.

Senator **Symms**. How did you find that den?

Mr. **Worden**. The bear den was found during the logging operation. We log in the summertime, so the bear wasn't present. It didn't affect the bear's hibernation or anything like that.

So it would tend to make us believe that logging and the grizzly bear can be compatible. This mill's been active for about 22 years now and logged in this country, and there has been a lot of grizzly bear sightings.

Senator **Symms**. You don't see them anymore?

Mr. **Worden**. No, because of the conflicts with our contracts and the Forest Service and that sort of thing. But in situation 1 habitat, we're not logging any sales right now. To my knowledge there are no planned sales in those areas, and I really believe that we're wasting a resource if we don't enter some of those areas and try to manage that resource. And in some particular areas on the Targhee at situation 1, we really believe that we could enhance the grizzly bear habitat, perhaps small clear-cuts and minimize your roads, road closures, that sort of thing.

I would just like to emphasize, too, what Jim said. One of the biggest problems is lack of knowledge of the numbers of bears in the Yellowstone Ecosystem.

Senator **Symms**. Do you think there are 350?

Mr. **Worden**. At least, but I think if we're going to establish guidelines and restrictions relating to logging activity or whatever, we need to have good numbers. Perhaps the population has recovered.

From an economic standpoint, as far as the mill in this area is concerned, if we are hampered with too many restrictions and regulations that affect our logging operation, it's going to greatly affect the economy of not only the people that work for the sawmill and the people in the woods, but the county as a whole and probably southeastern Idaho. Granted, I think we need to consider the bears once we do have good information and make sure the guidelines and restrictions that are established are to everyone's benefit, and mainly man's, so that we're able to live in this area along with the bear.

But we do need to have better data, because this will strongly affect the management of a renewable resource in Fremont County and affect the economy of the whole county.

Senator SYMMS. OK, thank you very much. I appreciate it.

Andy Anderson of the Idaho Petroleum Council.

Mr. ANDERSON. Thank you, Senator.

Senator SYMMS. Do you have a written statement, Andy?

Mr. ANDERSON. Yes; I've turned that in.

Senator SYMMS. Oh, I have it here; yes.

Mr. ANDERSON. Due to time, I'm going to skip around.

Senator SYMMS. Your entire statement will be made part of the record.

STATEMENT OF ANDREW ANDERSON, ROCKY MOUNTAIN OIL & GAS ASSOCIATION

Mr. ANDERSON. As you mentioned, Senator, my name is Andy Anderson. I'm the executive director of the Idaho Petroleum Council and I'm testifying today on behalf of the Rocky Mountain Oil & Gas Association whose members account for 90 percent of the exploration and production activities for oil and gas in the eight-state region it serves. Because the Federal Land Management Agency's grizzly bear policies have had such a dramatic effect on the petroleum industry's ability to operate on public lands, our membership has a strong interest in and concern with the management of grizzly bears. We appreciate this opportunity to speak to your committee today.

We feel that carefully planned oil and gas exploration and natural resource development are compatible with wildlife and other multiple uses. Our Canadian neighbors believe and have amply demonstrated that mineral development and grizzly bears can and do coexist harmoniously. In fact, we have seen no impirical evidence to support the contention that oil and gas activities are detrimental to grizzly bear or grizzly bear habitat.

Assumptions by some in the United States that any human activity warrant a withdrawal of habitat areas are unjustified restrictions on operations. We believe that evidence does support, however, the imposition of reasonable mitigation measures in connection with oil and gas activities. These measures are being successfully used in many known grizzly bear areas as our Canadian experience demonstrates.

Land management agencies often perceive increased oil and gas activities in frontier areas as universally causing degradation of wildlife species such as the grizzly bear. Some have strictly interpreted the steerman's provisions of the Endangered Species Act and have unnecessarily impeded the development of other natural resources in frontier areas. Because of resulting pressure applied by the agencies of multiple-use activities, development of natural resources have become increasingly more difficult and costly and time consuming.

We recommend that land management agencies take a more responsible approach to the Endangered Species Act compliance and justify their actions and decisions with scientifically credible data. We'd often find the agencies taking an irresponsibly conservative approach to the management of the bear and its habitat. Our interpretation of the act would lead the agency to attempt to accommodate activities and through the consultation process to determine if these activities with mitigation measures should or should not go forward.

Too often we find an automatic reluctance on the part of agencies to consider any activities even through the consultation process. One recent example is the proposed management of the grizzly bear habitat in the Shoshone National Forest where the Forest Service has determined, as a matter of fact, without consultation that oil and gas activities will jeopardize the continued existence of the grizzly bear or will result in the destruction of its habitat. The Forest Service, therefore, has deemed it unnecessary to proceed with the standard consultation process, the result of which removes all possibility for oil and gas activities.

We believe this part of the act's direction, albeit with some problems, is preferable to refusal to consider activities at all.

The oil and gas industry has a good record mitigating impacts on wildlife resources, even though only a small portion of our operations have the potential to impact the environment. We believe they are emotional and unsubstantiated concerns for wildlife resources and their habitats that are preventing all together or causing unnecessary delays and additional cost to oil and gas exploration and development of natural resources. This is occurring at a time when domestic reserves are steadily declining, due to continued withdrawal of land into wilderness by Congress. I'm sure oil and gas exploration should not be discouraged on public lands because of arbitrary decisions without consultation between the parties involved. It should be encouraged. In light of the demonstrated compatibility of oil and gas operations with sensitive environments and sensitive wildlife species, we recommend that these activities be recognized as a valuable and necessary use of public lands.

And I'll stop with the written part there, Senator, and thank you for the opportunity to be here today.

Senator SYMMS. Thank you very much for an excellent statement, and your entire statement will be part of the record.

The next witness is Dave Mabe from the Idaho Farm Bureau.

STATEMENT OF DAVE MABE, IDAHO FARM BUREAU

Mr. **Mabe**. Thank you, Senator, I'm Dave Mabe with the Idaho Farm Bureau. Idaho Farm Bureau policy No. 52, Endangered Species, states that we do not believe grizzly bears or wolves should be considered a threatened or endangered species. Therefore, we are opposed to the setting aside of any land as grizzly bear or wolf habitat.

Grizzly bears and wolves should not be given priority over other uses in forest management plans. The definition of a threatened species from the United States of America in 1973 is any species which is likely to become an endangered species in the foreseeable future throughout all or a significant portion of its range. We do not feel that the greater Yellowstone management area is a significant portion of the total grizzly bear habitat.

We also seriously question if the grizzly bear should have a threatened status in the Yellowstone area, if Montana has extra bears they need to send out of State because of overpopulation.

Policy No. 52 goes on to state that we encourage a feeding program in the Yellowstone Park to keep the grizzly bears in the park.

I will skip the other comments on feeding there. We are opposed to the use of a new management system 2-A, which would allow management direction between situations 1 and 2. An uncertain area can now be designated situation 2, and if further study shows it warrants a change, the area can then be reviewed and changed to situation 1.

We ask these comments be considered in future management policy regarding grizzly bears in the greater Yellowstone area and any alterations of the Endangered Species Act. Thank you again for the opportunity to testify.

Senator **Symms**. Thank you very much, Dave, for the statement. I have a few questions that I'd like to ask.

First off, Mr. Siddoway, you made some mention of the fact that about July of this year what was thought to be a grizzly bear killed approximately 24 head of Dee Blanchard's sheep over a week's time. Did he actually see that bear in action?

Mr. **Siddoway**. No; it's my understanding that no one ever saw the bear. They identified it by the tracks, I believe that's correct.

Senator **Symms**. What's your understanding of your rights, as a sheep man, if you do see a bear involved in the killing of your sheep? What do you think you can do now?

Mr. **Siddoway**. Well, the first commandment is thou shalt protect they sheep, and you do what you have to do there, I believe.

Senator **Symms**. The point is, what do you think you can do under the law?

Mr. **Siddoway**. Well under the law, presently, if it's a grizzly bear you have to go to the phone and call one of the agencies. That's one thing we're concerned about, and I'm not sure which one you call. But I suppose that would be clarified sometime, hopefully, but it's really difficult if you see the bear in the sheep, and you know, that's always been historic the way you take care of problems with the sheep and predators is you just take care of them. Shoot them if you have to, and I think that's probably what I would do, if you ask me personally.

Senator SYMMS. What you're telling me is that what you're doing is taking the same course of action that your grandfather, who had a lot of common sense, would have taken?

Mr. SIDDOWAY. I would think so.

Senator SYMMS. But the way the Congress has written the law, the bear population can't drop below 350 in this 5-million-acre area because the bear is an endangered species, therefore, you can't shoot it.

Mr. SIDDOWAY. That's right, they're saying you can't protect your property.

Senator SYMMS. You're saying that the bear has priority over people then?

Mr. SIDDOWAY. That's right.

Senator SYMMS. You've lived around here all your life, how many bears do you think are up there?

Mr. SIDDOWAY. Well, Senator, I'm not really acquainted with that area too much. We run south of there, but I have very good friends who are, and I know historically that there's always been bear there. And they figure their numbers, I guess, is just anybody's guess. But I was president of the National Woolgrowers Association when this bear was put on the threatened list, and we fought it right down to the wire.

Senator SYMMS. What year was that when they put it on the list?

Mr. SIDDOWAY. You were there, you and I. You were a freshman Congressman, and I think it was 1974 or 1975.

Senator SYMMS. Right, OK.

Mr. SIDDOWAY. But we fought it down to the wire. We thought the bear wasn't threatened, and we still feel that way.

Senator SYMMS. Blair, how many bears do you think there are in this area?

Mr. FISHER. Well, I have no way of knowing inside that park. I'm like Bill, I've lived with neighbors to that area, and back in that country, especially in the situation areas, but as far as for me to tell you how many bears are back in there, I wouldn't want to do that, Senator.

Senator SYMMS. Anybody have an opinion on how many bears there are? If it was agreed upon that there was more than 350, then they'd go off the endangered list for that area. But I guess we'll get the game folks up here in a minute, and we can ask them that question.

Do you think that the population trend is up or down from your experiences working with these resources?

Mr. SIDDOWAY. Senator, I just go by what my sheepman friends tell me, and they say they rarely had conflicts with them before, as I say in my statement, until they stopped feeding them in the dumps.

They feel they're getting more bear now than they were then. But as far as the total population, I don't suppose they know. But they're having more trouble with the bear since then than they had prior to that. I do know that.

Senator SYMMS. Well, are you thinking then that the bear habitat may not be fully inhabitated by bears now, that they're moving out from where they normally used to live around the garbage dumps? Is that what you're saying?

Mr. SIDDOWAY. Yes, I think there probably were more bears in Yellowstone Park then than there are now. There's more outside of the Yellowstone area.

Mr. FISHER. Senator, I feel like there's something inside of that park that's causing those bears to come out. Now whether it's feed, whether it's human pressure or what it is, we didn't used to have the outside pressure that we have today prior to the early 1970's. And that's the reason I spoke to putting in some kind of a feeding program, and the Cattle Association figures that if they did put in a good feeding program, maybe they would get better reproduction. Maybe the bears would be in better shape.

Senator SYMMS. Well, do you think that this idea of just feeding the bears in the park, that wouldn't take care of the problem of the bears up in the Panhandle?

Mr. FISHER. No, but it would negate ours.

Senator SYMMS. It would negate your problem better than the approach that my amendment takes then. Where my amendment would allow this rancher to try to use common sense, so to speak, to protect himself.

Mr. FISHER. I think we'll have to have that, too.

Senator SYMMS. Well, it seems as if it's reasonable. To me it seems like a very reasonable position that if we're not short of bears in the North American Continent, and I think that is the case, I haven't heard that figure disputed. Senator Simpson from Wyoming often uses the number 40,000 grizzly bears. I haven't had that confirmed. I hope we can confirm it this afternoon. But if there are 40,000 grizzly bears that live in the North American Continent, I guess if we really get desperate for bears, we can fly a few in.

I know the senior Senator from Idaho was very upset last year when he said he didn't mind a bear walking over from Yellowstone, but he didn't like to have to buy them a first class ticket. We could fly them over to other areas in Idaho and start planting them. But that's the situation that I think exists.

Do you favor the amendment that I'm offering? Do you favor this idea?

Mr. SIDDOWAY. Very much.

Senator SYMMS. Blair?

Mr. FISHER. Very much.

Senator SYMMS. All of you favor it? Let the record show that they all favor that amendment, but you also, if I hear you correctly, you are unanimously saying that in Yellowstone Park we ought to go back and let the bears eat at the garbage dumps?

Mr. SIDDOWAY. Or some other source.

Senator SYMMS. What is the policy now? Do they run them off the garbage dumps?

Mr. FISHER. They don't have garbage dumps anymore.

Senator SYMMS. Do they have a sanitary landfill, so it's being covered over all the time?

Mr. ENGET. They haul all their garbage to Ennis, MT, out of Yellowstone Park.

Senator SYMMS. Would you state your name?

Mr. **Enget**. Bill Enget. All through the park, they bring it and haul it to Ennis. And I might say, before they closed the dumps, my dad had been there since 1898, and we had one grizzly bear there from the time they started until they put them on the endangered species.

When they closed the dump, we started having problems. That's what brought them out of the park. We run our sheep within 7 miles of West Yellowstone dump yards at that time.

Senator **Symms**. And the bears never bothered them?

Mr. **Enget**. The bears never bothered them. No grizzly bears ever bothered them.

Senator **Symms**. Counselor, do you have any questions you want to ask?

Mr. **Shimberg**. No, sir.

Senator **Symms**. Thank you all very much. I trust some of you will be staying here for a little while. We might have another question come up, but I really appreciate your testimony.

Panel No. 2, we have the U.S. Fish and Wildlife Service, Mr. John Green. John, welcome to the committee.

National Park Service, Bob Barbee, superintendent from Yellowstone Park.

Mr. **Varley**. I'm John Varley, filling in for Bob Barbee.

Senator **Symms**. Did Bob replace John Townsley?

Mr. **Varley**. Yes.

Senator **Symms**. Idaho Department of Fish and Game, Tracy Trent. Come on up, Tracy. And U.S. Forest Service, Stan Tixier. Come on up, Stan. Stan is a regional forester from Ogden.

I guess what we want to know if which one of you agencies want to take that over?

Mr. **Green**. Take what over?

Senator **Symms**. Well, we heard the previous witnesses say they wanted one agency to have the responsibility, so which one wants it? We can decide that right now this afternoon.

Welcome all of you to the committee. John, we'll just go right down the witness list. So you will be our next witness.

STATEMENT OF JOHN D. GREEN, ASSISTANT REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. **Green**. Fine, Senator. I have submitted a statement and I'll give a short summary of that statement.

Senator **Symms**. Without objection, your entire statement is part of our record.

Mr. **Green**. Fine, thank you. It is a pleasure to be here today. My name is John Green, and I'm the Assistant Regional Director in the Service's Denver Region with the responsibility for the endangered species program.

We have the lead on the recovery for the Fish and Wildlife Service for the grizzly bear, and it's a pleasure to be here today to describe the Service's involvement in the grizzly bear recovery and related management issues.

Also, I'm pleased to be here as a native Idahoan. I don't get a chance to come back very often, but it's a pleasure to work with the resources back in the home State again.

Senator SYMMS. Well, we're glad to have you here. I might just say that my thanks to the Fish and Wildlife Service for at least giving us part of what we asked for on our duck hunting rules and regulations this year. We didn't get quite everything, but we appreciated the consideration that we got from Assistant Secretary Bill Horn and the professionals in the agency that made that advisory. We felt better about it afterwards than we did before, so we thank you for that.

Some of these people are duck hunters, too, so we're interested in that also.

Mr. GREEN. Fine, I also have with me today, Senator, Dr. Chris Servheen who is our services grizzly bear recovery coordinator. He is our lead man on the ground, so he may be able to support us here in any technical questions we may get into later.

As you know, Senator, the grizzly bear was listed, as has been mentioned here today, as threatened in the lower 40 back in 1975. Our driving force here is the grizzly bear recovery plan. It was approved in 1982, and it serves as our basic guidance for action for the maintenance enhancement recovery of the bear.

As you also mentioned in your opening statement, we did form the interagency grizzly bear committee, known as the IGBC back in 1983, to further the interagency coordination and cooperation essential for the recovery of the bear. And it does serve as our primary coordinating mechanism for the research management and funding needs for the grizzly in the lower 48 States.

Since we established the IGBC, we have seen a definite shift in the type of research away from sight specific general biology to now more research focusing on the effects of human activity in bear behavior and habitat use. Our recent management efforts have also concentrated on minimizing human-bear conflicts, and preserving habitat areas are critical to bears. Concerted efforts have been made to clean up garbage problems in back-country areas and towns such as West Yellowstone and Gardner, MT. Several national forests have also installed large metal lockers and 12-foot high meat poles in back-country campsites to provide bear-proof storage for food, game meat, et cetera, thus hoping to reduce the attractiveness to bears, thereby hopefully reducing the bear-human conflicts as well.

The handling of nuisance grizzly bears is a matter of management concern, as has been discussed here today. The existing code of federal regulations specify that grizzly bears may be lawfully taken by authorized State and Federal agents when they are constituting a threat to human safety or when they are committing significant depridations to lawfully present livestock. This regulation allows grizzly bears to be captured and relocated, and we do have an active program to do just that.

The State and Federal agencies have a working agreement they've been using since 1979 to handle nuisance grizzly bears on State, Federal, and private land. And we believe the process has worked very well.

There are also bears which pose an immediate threat to human safety. These may be taken in self-defense or in defense of others. This is the only way, other than a legal sport hunt in certain areas of Montana, that threatened grizzly bears may be taken by the general public in the 48 contiguous States.

The Service feels that adequate regulations and protocols are available to deal with nuisance grizzly bears and bears which are an immediate threat to human safety. Considerable expertise and manpower is available in State and Federal agencies to handle these situations. A formalized immediate response system is available day or night and a list of contacts and a basis for rapid decisions is available among all State and Federal agencies.

Regarding bear-human conflicts related to food availability and attractiveness, which again have been addressed here today, considerable effort has been expended in the Yellowstone ecosystem since 1975 to minimize the conflict between bears and people, and to eliminate the attractive human related foods from important grizzly habitat.

There is little or no evidence to indicate that distribution of human related food or the artificial distribution of baster food within the Yellowstone ecosystem would change the natural movement and behavior patterns of grizzly bears within this ecosystem.

A task force of Federal, State and outside scientists reviewed the benefits of such a program of artificial feeding back in 1983. This task force reported little benefit from such an artificial feeding, and that it was not necessary from a nutritional standpoint for the Yellowstone grizzly population. This report was made to the interagency grizzly bear committee and was adopted and the IGC supported that conclusion.

Senator, that is a quick summary of our more broader statement there that you have. And I think through ongoing coordinated recovery efforts, we are beginning to get better management of the grizzly bear and learn how to use the resource uses and the grizzly, how they can best coexist.

Senator SYMMS. You are saying, in other words, if I understand this correctly, that you don't think that it isn't that simple to just feed them up at the park somewhere?

Mr. GREEN. Right.

Senator SYMMS. In other words, you disagree with the previous witnesses that we could keep the bears in one place if we fed them more?

Mr. GREEN. Well, their capability to move over great distances and range, we don't think in this study the experts here looked at would not curtail them. They still would have to move out and move back and forth in there. So we don't feel just artificial feeding would take care of that natural instinct.

Senator SYMMS. When you say that you have the right to take the bear, you're talking about capturing him physically. Not talking about shooting the bear?

Mr. GREEN. The present rule that's on the books does allow you to take, which would be kill, if it's a matter of defense of human safety or safety of others, self-defense. That is in the present rule.

Also in the present rule is how it relates to the taking, and this is of nuisance bears. And what happens there, it's turned over to a Federal/State agency involved, and they would have to come out and make every attempt possible to relocate the bear.

Senator SYMMS. That would be a bear that's in the habit of bothering campers on a specified Forest Service campsite for example, and they just continue to have their tents torn up and their foodstuffs disturbed. Would that be capture and not shoot?

Mr. GREEN. Yes, that would be capture and take out of there, move, or in the case of legally present livestock, which have been discussed here today, that rule also provides for the capture, relocate and taking of that animal out.

Senator SYMMS. What would it cost to catch one of those bears and move them?

Mr. GREEN. I suppose I could get some help here. I don't have that answer.

Senator SYMMS. Maybe we can ask the Idaho Fish and Game People. I would think that would be a horrendous task requiring a lot of patience, a lot of man hours, and a lot of equipment. You've got to hit that thing with some kind of a tranquilizer and then put it in a cage.

Mr. VARLEY. I'll address that, when we get to it.

Senator SYMMS. All right, I'm sorry. You are from the Park Service, would you restate your name again for me?

STATEMENT OF JOHN VARLEY, RESEARCH DIVISION, YELLOWSTONE NATIONAL PARK, NATIONAL PARK SERVICE

Mr. VARLEY. Yes, sir. My name is John Varley with the Research Division in Yellowstone Park, filling in for Bob Barbee, Superintendent.

Mr. Chairman, we appreciate the opportunity to discuss the management of the grizzly bears at this field hearing. We agree with much of what Mr. Green has just given you, so I will be very brief.

The range of the grizzly bear in the Western United States has declined to a point of about 1 percent of the historic range. Today the bear is confined to six ecosystems within the States of Idaho, Wyoming, Montana and Washington. It is this decline in bear habitat and population in the greater Yellowstone ecosystem that concerns us, as well as guides our management actions in Yellowstone Park., Both the legislation establishing the Yellowstone National Park and the Endangered Species Act require preservation of the grizzly in its habitat. We are, in fact, then committed to this proposition.

Primary management emphasis within Yellowstone has recently centered on reducing the opportunity for conflict between bears and humans. The strategy for achieving this objective involves a combination of actions: All potential food sources are secured within the park and are nearly so in the gateway communities. That's human foods. Yellowstone Park is now cleaner in terms of human foods than it has been at anytime over the past 100 years. This has been accomplished through the provision of bear-proof garbage containers and an intensive public education program. Bear feeding has been prohibited for years. All campers and overnight back country users are personally contacted by the park staff regarding proper food storage. Outfitters are cooperating in hanging and securely storing consummables.

In key habitat areas within Yellowstone, public use has been restricted during certain crucial times of the year. An interagent public education effort has been underway for several years under the banner of "Bear Us In Mind". This is accented printed materials, news releases and the posting of signs as an educational vehicle. Law enforcement efforts have been increased to reduce illegal mortality through poaching and to bolster the park's educational effort.

The interagency grizzly bear committee was formed in 1983 to consolidate and guide park and National Forest bear management efforts and those of the interagency research group based in Bozeman, MT. It is comprised of executives of the Fish and Game Departments of the States of Idaho, Wyoming, Montana and Washington and the U.S. Fish and Wildlife Service, the U.S. Forest Service, the Bureau of Land Management and the National Park Service. The formation of this committee provides the kind of collective ecosystem management required to assure the recovery of the grizzly bear.

The mission of the National Park Service since its foundation in 1916 has been to preserve and protect our Nation's extraordinary and cultural resources for the benefit and enjoyment of this and future generations. In this context, we are absolutely committed to maintaining natural populations of grizzly bears in Yellowstone, while providing for public use of park resources. We believe this balance can be achieved. Thank you.

Senator SYMMS. Thank you very much, John. I appreciate your being here and appreciate your statement.

Idaho Department of Fish and Game, Mr. Tracy Trent, who's a big game biologist. Tracy, welcome to the committee. Do you have a written statement, by the way?

Mr. TRENT. No, sir, we do not.

Senator SYMMS. OK, go right ahead.

STATEMENT OF TRACY TRENT, IDAHO DEPARTMENT OF FISH AND GAME

Mr. TRENT. Thank you very much for the opportunity to come here today and speak before your committee. Many of the points that have already been brought out by this panel I won't go over, but I think I'll hit on some of the main ones that affect the Idaho Fish and Game Department and local residents in this section of Idaho.

First, the Fish and Game Department by statute is charged with the responsibility to preserve and perpetuate the wildlife of the State. Along that statutory responsibility, we are committed to the perpetuation of the grizzly bear in the greater Yellowstone ecosystem, not so much because we have bears residence in Idaho and the greater Yellowstone ecosystem, but because during certain years and during certain times of the year, portions of Idaho are very important to grizzly bears. We are committed to the perpetuation of the bear in the greater Yellowstone ecosystem.

We are also committed to working in close cooperation with the members of the Interagency Grizzly Bear Committee. And we feel that this has been a very effective method of handling grizzly bear problems. Now earlier panelists have pointed out that occasionally there is some difficulty in determining who is in charge. And I agree that this has been the case in the past particularly. In the last several years, I believe, and you've got to remember that the Inter-agency Grizzly Bear Committee has really only been around for a couple, that we have made great strides in working in closer cooperation with each other. And I think many of the conflicts that existed between the agencies at the outset have been resolved and have been resolved to the benefit of the grizzly bear and the public.

I do believe that the coordinated approach is absolutely essential to the successful management of the grizzly bears. I believe so because it is necessary to coordinate its activities; it's necessary to distribute the cost over more than one agency; and, the coordinated approach also means a quicker response. Now earlier, Bill Siddoway mentioned a situation this summer in the Contennial Mountains. I disagree to a certain degree with some of the things he said, because we felt we were on the scene very quickly; we have traps set within a day of determining there was a grizzly bear in the area.

Senator SYMMS. What kind of a trap do you set?

Mr. TRENT. It depends, Senator. In areas where we can use roads to get into the area, we use culvert traps, because they're real safe, easier to trap with. And a culvert trap is like a trailer that hooks onto the back of a pickup truck. It's made out of a piece of culvert. You've seen pictures of them.

Senator SYMMS. You get the bear to walk into it and shut the door on them?

Mr. TRENT. Well, they shut the door on themselves, right.

In other cases, though, and sometimes we run into a bear that's trap-wise, won't go near a culvert trap. Then we have to use snares. And snares are considerably more difficult to use. They are far more dangerous to use in terms of the people who are doing the trapping. We use a variety of methods to catch them, and we always try the simplest and cheapest first and then move to the more difficult of we have to.

It's necessary commonly to have a number of agencies involved to get enough equipment, to get manpower, and, as I mentioned earlier, to distribute the cost. And you hit on a point earlier, that it can be very expensive to catch wild animals. I, as a wildlife manager, figure if I can capture any big game animal for under $100, I'm doing pretty good on an average. And it can get very expensive.

Senator SYMMS. How much? A hundred?

Mr. TRENT. Just any old big game animal, a deer or an elk, if I can catch one for under $100 I think I'm doing pretty well. For a grizzly bear, it can cost a lot more than that just in manpower.

Senator SYMMS. I would think so.

Mr. TRENT. But I do believe the coordinated approach is important.

Senator SYMMS. I think if you could shoot one for under $100 you're doing better than most hunters.

Mr. TRENT. Yeah, but that sometimes can be even more expensive if you have a wounded bear that requires being tracked down and great expenditures of time and energy to catch the thing. We're also committed to reducing grizzly bear mortality, and I, personally as a biologist, felt for a number of years, I was very concerned that we were never going to have grizzly bears in the Yellowstone ecosystem, and that sooner or later they would disappear. I do not feel that way now. The more I have learned about the situation, the more the study commission has learned about how grizzly bears utilize habitat, I think we've discovered some things about grizzly bears which at least give me a more optimistic view of the future.

One of the problems has been, and it's been touched on earlier, that when the dumps were closed it changed grizzly bear distribution and behavior. We suspect this is probably true. We also know that a number of other things occurred in the park at that time, which have improved the situation for grizzly bears. For instance, the number of cutthroat trout spawning in the tributaries to Yellowstone Lake is many times what it was at the time the dumps were closed. There's a very large food source there for grizzly bears. There are more elk in the park than there were in the early seventies, and grizzly bears, which approach life in much the same way a human does, they've got to find something to eat and they've got to know where it is, when it is and how to obtain it. This information grizzly bears learn from their mothers. If their mothers never knew how to do it, it takes awhile, may be a couple of generations, before the population in the park will learn to completely and effectively use the resources that are there, particularly since many of them have changed in the last 15 years.

Senator SYMMS. If that's the case and you get one like old No. 38 or the famous female bear, then does she have to be teaching the young ones that sheep are the proper course to dine on?

Mr. TRENT. That is one of the problems with grazing sheep in areas that grizzly bears frequent, because they can learn that this is an easy food source. This is one of the things that we try to minimize in grizzly bear management. We do not approach the problem of grizzly bear management with the idea that all activities in grizzly bear habitat have to be eliminated. We approach the problem of perpetuating the grizzly bear inside the greater Yellowstone ecosystem and to work to minimize the problems between bears and man.

As I said earlier, I think we are optimistic that we can maintain a viable population, and that we can do it without significant economic or social problems in the greater Yellowstone area.

Senator SYMMS. Thank you very much, Tracy. Just one question that I think is appropriate to ask right now: How many grizzly bears in the Yellowstone ecosystem does the Idaho Fish and Game estimate that there are?

Mr. TRENT. The interagency committee's estimate is, as you mentioned earlier, somewhere around 200. That's inside the ecosystem. There are some bears outside the ecosystem that are included in that population estimate. The precise number, I do not know. I suspect that in the area surrounding the line we've drawn as the ecosystem, there are perhaps 25 to 50 bears. They may not be there all the time. They may, in fact, be moving back and forth inside and outside of the ecosystem.

Senator SYMMS. How many of these bears have on tracking devices?

Mr. TRENT. Fifteen bears.

Senator Symms. I read somewhere today, I thought, that there were 40. They said it was 6 percent of the bears.

Mr. Trent. No.

Senator Symms. That's not true, though? I thought that sounded like a high percentage. If you've got 6 out of 100 tagged, that's a pretty good bunch of bears to be tracking around. But you think it's 15, you know it's 15 bears?

Mr. Trent. Plus or minus two or three, yes.

Senator Symms. How often do they report in, so to speak?

Mr. Trent. An airplane flies two or three times a week and locates where they are.

Senator Symms. We now welcome Stan Tixier, regional forester from region 4. Stan, welcome to Idaho. Glad to have you here.

Mr. Tixier. Senator, I'm going to correct your pronunciation. It's pronounced Tixier.

Senator Symms. I apologize, is that T-i-x-i-e-r?

Mr. Tixier. That's correct, and it gets mispronounced quite often.

Senator Symms. What is the heritage of that?

STATEMENT OF STAN TIXIER, REGIONAL FORESTER, U.S. FOREST SERVICE

Mr. Tixier. It's French. And I would appreciate the opportunity to introduce some people that are with me, also. Glen Contreras is our endangered species coordinator in our Ogden office, Intermountain office; Brian Christianson is the wildlife staff officer of the Targhee National Forest; Bruce Fox is a district ranger at Island Park on the Targhee National Forest. The lady in the Forest Service uniform in the back is not part of this hearing, but I'm going to introduce her anyway. She is the air pilot, and her name is Charlotte Larson, and she flew me up here. She's been spending her summer dropping smoke jumpers on Idaho fires.

Senator Symms. We appreciate that.

Mr. Tixier. We appreciate the opportunity to provide information on the Forest Service Grizzly Bear Program. In my testimony I would like to indicate the nature and extent of the Forest Service's role in grizzly bear recovery and describe our integrated interdisciplinary Forest Service Program to facilitate grizzly-human coexistence.

We believe that successful recovery of the grizzly bear requires a truly cooperative effort by State and Federal agencies and public support, both local and at a national level is vital, because we're all in this problem together. The Forest Service and the U.S. Department of Agriculture play an important role in the recovery, because about 65 percent of the bear's habitat identified for recovery occurs on National Forest Service land.

I might add that a higher percentage than that of the bears' habitat, in terms of habitat that's subject to management options, changing and habitat situations is on the national forest. The principal role of the Forest Service is to manage habitat to meet a recovered population level of grizzlies and to minimize the potential for grizzly-human conflicts, the key to the whole program.

Grizzly recovery areas comprise over 8 million acres of National Forest lands, some of which are also important to supplying recreation opportunities and habitat for other wildlife species, benefits of timber, minerals, oil and gas, watershed protection and permitted grazing activities. The mission of the Forest Service Grizzly Bear Program is to conserve the grizzly bear by providing a quality environment. And our goal is to: one, maintain and improve grizzly bear habitat in the national forest; two, to provide sufficient space and habitat availability for bears; and, three, to minimize potential for grizzly-human contact so that the various national forest uses can coexist.

Senator, the Forest Service has designated its process of implementing a five-point program to accomplish these goals, and I'll briefly state what those points are about.

First is to develop an information based on habitat use by bears to understand the type, diversity, and productivity of habitats that bears select. And we're learning what comprises suitable habitat, and that's important to the survival of the bear. In that process, the Forest Service research program—I'm not involved in its research, I'm involved with the national forest. But our research program is stepping up its efforts and participation in bear habitat needs.

The second point is inventory and map habitat. We should inventory and map habitats in grizzly bear recovery areas to ascertain the habitat capability and identify management opportunities.

The third point is continue to develop and refine interdisciplinary methods to maintain and improve habitat and minimize potential for grizzly-human conflicts.

The fourth point is to develop the process for monitoring and managing cumulative effects of all resource activities on grizzly bears and their use of the habitat. Now grizzly bears range over large areas, as has been stated already. While the effect of any single activity may not be significant, the cumulative impact of all resource activities may, indeed, be significant.

The fifth and final point is to promote public understanding of grizzly bears and their habitat and ways to facilitate grizzly-human coexistence. It's been mentioned already that there is a public education program referred to as the Bear Us In Mind Program campaign, and the Forest Service fully participates in that. It involves, as was mentioned, brochures, posters, public service announcements, news releases, slide programs, videos on how to go about camping in grizzly country. The agency plans to intensify this information effort, and also to cooperate as a part of the Interagency Grizzly Bear Committee effort to formulate a national coordinated public information program.

As I said earlier, grizzly bear recovery has been a cooperative effort and the most important cooperator is the public, especially the people who use grizzly bear habitat for various purposes. We live and work in that same habitat. Without the cooperation and support of these people, recovery is unlikely. It also includes people with different values on the recovery of grizzly population from those who advocate rapid recovery to those who feel such recovery would threaten their lifestyles. The Forest Service will continue to work with all interests and strive to achieve the goal of a recovery grizzly bear population.

In closing, may I say the Forest Service is committed to the conservation of the grizzly bear and its habitat. The successful management of the grizzly bear will depend upon a partnership of public agencies and citizens of both local and national levels. Respect and responsibility will guide our relations with the people and the land. We agree with your assessment that both the people and the bear are important in this effort. We would be glad to answer questions.

Senator SYMMS. Thank you very much. A question I would like to direct to each one of you is this question of the number of bears in the Yellowstone ecosystem. Now I'm told there are 200 grizzlies in the system. Do you think that's an accurate estimate?

Mr. TIXIER. It's probably the best figure we have, Senator, but more important probably is the number of breeding-age females. And that's estimated to be 35 or less. That's really what's critical to ensure the survival.

Senator SYMMS. How long do these bears live?

Mr. TIXIER. There was one trapped that was about 29 years old in the last couple of years.

Senator SYMMS. What is the breeding age?

Mr. TRENT. Minimum breeding age?

Senator SYMMS. Minimum-maximum. What do they have to be, 3 or 4?

Mr. TRENT. Five or six.

Senator SYMMS. Five or six, and then how long?

Mr. TRENT. Depending on the situation of that bear, perhaps almost to the end of her life.

Senator SYMMS. Which would be up to 30 years?

Mr. TRENT. However, one of the big problems is the number of breeding-age females. And with the current birth rates and mortality rates, a female is lucky to reproduce herself in a lifetime. And that's what she has to do in order to perpetuate the population. She has to reproduce herself, and she can't just produce one female. She's got to produce a female bear that lives to be 6 or 8 years old to be breeding age.

Senator SYMMS. Do you agree with the 200 number?

Mr. TRENT. Nobody knows how many grizzly bears there are. You're probably aware of the difficulty of censusing human populations. The grizzly bears do not come out and stand along the side of the road so we can count them. And it is very difficult to estimate the population size. We use a variety of methods, and as has been indicated by others, that is our best estimate. Nobody really knows how close it is to being right.

Senator SYMMS. Does the fish and game department feel the bear is making it in the ecosystem now?

Mr. TRENT. I said I was optimistic it could. In fact, in recent past, the last couple of years it appears the population has declined. The reason for that is that the food resources of Yellowstone Park are not the same every year. In some years important food resources, an example are white bark pine nuts. When there are failures in white bark pine nut crops, which are a very important food source for the bear in the fall, they leave the park. They tend to go into areas where they come into conflict with man. Their mortality rate increases, and the population declines. That is what we feel is one of the things that occurred in the last couple of years. We've had some conditions in the park where we've had less than ideal conditions for bear. They left the park, the mortality increased, and presently we're on a little slide down.

Now determining accurate population parameters of wild free-ranging animals like this is very difficult. But it appears that there are reasons to be optimistic that the population will rebound. But it really is largely unknown.

Senator SYMMS. John, would you want to comment on that?

Mr. VARLEY. Yes; I agree that the 200 number is considered a minimum population estimate. And what Tracy says, and Stan as well, is very true. We had an unfortunate occurrence in the pine nut crop last year. Ordinarily we wouldn't expect to have that. I think the last total wipe-out of the pine nuts occurred in either 1977 or 1978. And that creates very unusual circumstances.

Ordinarily, and this relates to what Mr. Green said here, is that there is an adequate nutritional base in Yellowstone in most years to support a population of 200 bear or larger.

Senator SYMMS. Do you have any comments about that, John?

Mr. GREEN. We look at the 200 figure as the biologist in looking at the data, and the best estimate we have, 187 to 210. So the 200 figure is close.

Senator SYMMS. In my opening statement, I think maybe all of you heard it, I made the comment that it doesn't look like there's much of a threat of a bear population explosion. You all agree with that then?

Mr. GREEN. Yes.

Senator SYMMS. The problem facing the Senate next week is that we have to vote on whether or not to raise the national debt ceiling to $2 trillion. How do you rate this in terms of a priority of what's the most important place for us to appropriate money. This country is going in debt at a rate of three-quarters of a billion dollars or one-half of a billion dollars a day, should we be putting this much emphasis on this problem? How do I prioritize it as somebody who's supposed to be voting on setting policy?

Mr. VARLEY. I can't really deal with the figures that you're using now in terms of the national debt, but we feel very strongly that we can manage the national forest portion of the grizzly habitat with the funding that we do receive and provide for its habitat and improve the habitat and educate the public on bear needs.

Senator SYMMS. What you're telling me is that if you are a proper camper, and take some normal precautions, you won't need a Smith & Wesson to help protecting you from a bear. It's a little bit like locking the door to your house and taking the keys out of your automobile to prevent having your house broken into or the car stolen.

Mr. VARLEY. That's right.

Senator SYMMS. I don't think I asked this panel, but how many grizzly bears do the game biologist experts think there are on the North American Continent, including western Canada and Alaska? Is this number of 40,000 accurate?

Mr. GREEN. Senator, I have seen the figure 30,000 to 40,000 used. I don't know how accurate it is. As you know, we have a difficult time determining whether it's 200 or 150 or what, here on a local basis. But, yes, the figure has been used.

Senator SYMMS. Do you agree with that, John?

Mr. VARLEY. I have heard that figure, yes.

Senator SYMMS. Tracy, do you agree with that?

Mr. TRENT. I really don't have any way of knowing how accurate that figure is, but it's a commonly used figure.

Senator SYMMS. That is a commonly used figure, but now how many bears do we think we've got up in the panhandle?

Mr. TRENT. That is currently a situation that we're trying to determine. I was stationed in the panhandle about 7 years ago, and we had very darn few. We don't know if we have a changing situation there or bears that were there all the time and we never knew about them. But we're in the process of trying to determine that, and I believe they caught 16 individuals this year. They sort of sit right on the border of Washington, Idaho, and British Columbia.

Senator SYMMS. Sixteen individual bears?

Mr. TRENT. Sixteen individual bears.

Senator SYMMS. Physically caught them or just counted them?

Mr. TRENT. I'd better not say physically caught them. I think that they've estimated. One way or the other.

Senator SYMMS. Is there another specie of bear that lives in the same area that the grizzlies live that also can be a threat to livestock, as well as grizzlies?

Mr. TRENT. The black bear is probably just because of its numbers, responsible for far more livestock losses than grizzly bears are in the lower 48 States, just because there's so many more of them. Yes, they do kill livestock. In fact, the only bear we captured this year in the Centennial Mountains at the scene or in the area where we had the livestock losses was a black bear. We know there was a grizzly bear there earlier, but we only were able to catch a black bear.

Senator SYMMS. Is there a possibility that there ever could be a mistake made that a brown bear or black bear was mistaken for a grizzly bear and an area gets designated for grizzly bear?

Mr. TRENT. No, that wouldn't happen. We might on an individual animal incident not know whether it was a black bear or a grizzly bear involved.

Senator SYMMS. The reason I asked this is down in the Boise National Forest one time I had an experience when I was there with a young ranger who thought there was a dead gray wolf out there. So this old ranger came out and swore up and down that it was a German Shepherd. They had a big dispute over it, and I don't know who finally won the argument. I think the old ranger had more seniority and a higher rank than the young one, so it became a German Shepherd. But it really created a problem, because if they were going to give the wolf a priority over any other designation of the area, it became a very controversial question. I just wondered if you ran into that?

Mr. TRENT. That can be a problem with wolves, because they can be darn difficult to identify, even when you're holding it in your hand. But I don't think that's a problem with bear management.

One other thing I'd like to mention, as regards your initial question about this amendment. It's my understanding people are currently allowed to protect themselves anyway, and I'm not sure that needs to be clarified.

As for paying for livestock losses or the movement of livestock to reduce bear-human conflict, I think that that may be appropriate. However, I do think it's a system that's open for fraud. I think we do need to make sure that grizzly bears aren't blamed for losses of livestock which may not have been caused by a grizzly bear, and that the Government doesn't get taken for a ride.

Senator SYMMS. Do you have some recommendation on how we avoid that?

Mr. TRENT. Yes; I think livestock losses should be certified by a trained individual that they have been caused by a grizzly bear. Sometimes that simply is not very easy.

One other point I'd like to make, and you've alluded to this a little bit, is the cost of managing a grizzly bear. We feel very strongly that the Federal Government should play a role in this, because after all it is Federal law that classifies the bear. And section 6 moneys are very important to States like Idaho to manage grizzly important. They're important to the Forest Service, and we need to have adequate funding. I don't think we need a great deal more funding than we currently have, but we do need to have it and it must be recognized. Grizzly bear management is a lot of work and trouble and some amount of money is spent, but I suppose taking care of the Washington Monument and the Lincoln Memorial also costs the Government money. To many people in the United States and in Idaho, the grizzly bear is as much a part of our heritage as those monuments.

Senator SYMMS. There's a lot more people using the monument. I think we would all agree to that. They're lined up there every day. That's the old game; every time we have a flap over the budget, they always threaten to close the Washington Monument. That puts pressure on Congress to put the funding back because there's so many people that want to go there.

I want to ask one more question, is the classification of the five management situations realistic? Are the guidelines workable and appropriate, or would you make any recommendations to change those five situations?

Mr. VARLEY. I think they are realistic, but I think they are largely misunderstood, because they are guidelines, and what can and cannot be done in situation 1 versus situation 2 is altered or is governed by a mixture of what the guidelines say and common sense in dealing with the specific situation.

Senator SYMMS. How about the complaint that we heard earlier that there was an interagency dispute over a problem bear? Did I hear you correctly to say you think you are working that out or is there a problem? If so, I'd like to have it here in the record. Maybe we can help resolve it if there's some way it can be done.

Mr. VARLEY. I think it's pretty well been resolved. As we get more cases where opportunities for cooperation is with it, I think we've worked that out pretty well. I think what we referred to, you mentioned Bear 38 2 or 3 years ago and the fact that in that particular instance——

Senator SYMMS. I think I read about her in Sports Illustrated.

Mr. VARLEY. There was some initial disagreement on the strategy in dealing with her, and that led to some apparent confusion. But that didn't last long, and the Idaho Fish and Game had the jurisdiction and used that.

Senator SYMMS. What do you think, 50 years ago, the forest supervisor of Ogden and the head of the Idaho Fish and Game would be their response to a situation like Bear 38 before the Endangered Species Act was passed?

Mr. VARLEY. Well, the guidelines were entirely different in those days.

Senator SYMMS. The ranger probably would take his .30 and go straighten it out probably.

Mr. VARLEY. Before the bear had the right-of-way, before we recognized that we had to protect the bear it would have been handled, I'm sure, along the lines that you're suggesting. Perhaps it would never have come to the attention of the Federal or State officials.

Senator SYMMS. Counsel, have you got any questions?

Mr. SHIMBERG. I've got one quick question for Tracy. You commented on two of the aspects of the amendment, that was discussed, the self-defense and the compensation system. As I understand, there's a third part having to do with the defense of property, giving new authority——

Mr. TRENT. Oh, to kill a bear in sheep, essentially.

STEVE SHIMBERG Right.

Mr. TRENT. My personal opinion on that is that if we want to minimize bear-human conflict, that it's better to leave that out. I think that we, and particularly in recent years, have developed in this area an approach to solving those kinds of problems where we can get on a situation fast. We can prevent losses by the Forest Service, the fish and game department and the Fish and Wildlife Service working together. We have been able, for instance this year we were able to minimize losses, and we had 10,000 sheep in the area where we had a grizzly bear. To lose 24, certainly it's a loss, but compared to the total sheep up there, I think we did a pretty good job of protecting the property of the rancher, and we didn't lose a bear. At least we don't think we did.

So I'm not certain that that's a good idea. One of the problems with that, and it's come to roost on us a couple of times in this area, is that bear—occasionally when someone is trying to protect their property, they do not kill the bear, they wound it. Then you really create a problem. That almost always results in large closures of land and restricted use and one heck of an expenditure of funds to try and capture the bear, because a wounded grizzly bear is quantum leaps more dangerous than an uninjured one. So I think there's some real dangers in having that rule. I think that we have demonstrated in the last couple of years our ability to handle those kind of problems. I think I'd rather try to handle them the way we've been doing the last couple of years than have people taking pot shots at bears, to be perfectly honest with you.

Senator SYMMS. You had something to say?

Mr. TIXIER. I just wanted to comment on the compensation thing. You mentioned that, and as I know you are aware last year in the appropriations language of the Forest Service there was a provision for compensating livestock operators who had extra expenses because of the need to move in relation to the bear. We had a case where we did require Bill Enget to move his sheep from his traditional Two-Top allotment up to the Centennials. And he incurred extra expenses because of that move and we processed his claim and verified that the claim was valid in all aspects.

Senator SYMMS. Did that work out fairly well?

Mr. TRENT. I guess, Bill, you got paid, didn't you?

Senator SYMMS. Is Bill Enget here?

Mr. ENGET. Yes.

Senator SYMMS. Bill, was that satisfactory?

Mr. ENGET. Well, I got paid for my extra expenses.

Mr. TRENT. I just wanted to add that Bill and Emery Davis and those folks have been tremendously cooperative in helping us work out appropriate solutions, so that they didn't cause bear mortality. They were tremendously cooperative.

Senator SYMMS. Emery, you were raising your hand. I was going to let you testify in a minute. This is Emery Davis, if you want to make a statement.

Mr. DAVIS. I just want to make a statement concerning the reimbursement. Now apparently you're not acquainted with the fact that Wyoming pays for any sheep that are killed by the black or the grizzly bear. You have a hell of a time getting anything out of them, but that's their law.

Senator SYMMS. I think Tracy's question, though, is a hard one to answer. You've got to be out there and see the bear tracks.

Mr. DAVIS. There's only one way to do that, and that's to put this back under the control of the AEC people, who can get to you many times in 3 hours.

Senator SYMMS. That's damage control of Fish and Wildlife Service?

Mr. DAVIS. Right, and they can get to you anyplace in these mountains in 3 hours. In that much time there's no problem of verification. But if a carcass lays there for 3 or 4 or 5 days before you can get Fred Herpel out of Jackson, he says, "Hell, I can't tell if that was killed by a bear or——"

Senator SYMMS. Who is Fred Herpel?

Mr. DAVIS. He's the game warden out of Jackson.

Senator SYMMS. He's the State of Wyoming Fish and Game Department?

Mr. DAVIS. Right.

Senator SYMMS. OK.

Mr. DAVIS. At this time, these gentlemen have been talking about cooperation, but we've had very little cooperation from the Wyoming Fish and Game. Now I don't think Stan's aware of that, but they want to run the show.

Senator SYMMS. How are you getting along with the Idaho Fish and Game?

Mr. DAVIS. Fine, fine, particularly the local people.

Senator SYMMS. Well, that's good to hear. Is there any other questions, counselor? Anybody else have any further comments they want to make here?

I want to thank the first and second panels for their excellent testimony. We look forward to hearing from the third panel. I'd like to call up Mr. Bob Stevenson of the Idaho Conservation League; Mr. Robert Turner of the Audubon Society; Mr. Ralph Maughn of the Sierra Club; and Russ Heughins of the Idaho Wildlife Federation. The Chair might just note for the record, I noticed in the hearing room that Mike Fields is here representing Senator McClure, and I believe State Senator Mark Ricks is in the room. I don't know whether there are other members of the legislature here, none that I see. But we welcome you here, Senator Ricks.

Senator RICKS. Thank you, we have Representative Stan Hawkins here, too.

Senator SYMMS. Where is Stan? Oh, yes. Stan, I'm sorry, I didn't see you.

[A brief recess was taken.]

Senator SYMMS. If I could get everyone's attention we'll continue with the hearing. We have our third panel, Mr. Bob Stevenson of the Idaho Conservation League; Robert Turner of the Audubon Society; Cyril Slansky of the Environmental Council; Ralph Maughn of the Sierra Club; and, Russ Heughins of the Idaho Wildlife Federation.

Gentlemen, we've had a request from the back of the room that the people in the back row are having a hard time hearing you. You're talking to me, and I'm hearing you fine. But if you would, please speak up so the people in the back will be able to hear you also. I apologize that someone didn't ask me that sooner, because I've been able to hear the witnesses all fine sitting here, and I guess some of you in the back have been having trouble.

So the first witness is Bob Stevenson.

STATEMENT OF ROBERT STEVENSON, IDAHO CONSERVATION LEAGUE

Mr. STEVENSON. I'm representing the Idaho Conservation League at this meeting.

Senator SYMMS. Welcome to the committee.

Mr. STEVENSON. Thank you. If we want to preserve a viable population of grizzly bears in the Yellowstone and other ecosystems as mandated under the Endangered Species Act, the management plan and application is crucial. An effective plan must prevent the loss and degradation of critical habitats, resolve the use conflicts without killing grizzlies, reduce potentially dangerous human-grizzly confrontations, and stop all but the most necessary of killings of grizzlies.

The following suggestions are offered in the spirit of developing a more effective management program: First, in Yellowstone Park the bear management program has, on the whole, been improving in recent years. Bear-human conflicts have been resolved thoughtfully and carefully, and in general every consideration has been given to the grizzly's threatened status. Removal of some of the facilities at Old Faithful and Fishing Bridge, both high-use grizzly areas, are steps in the right direction. However, the continued construction of Grant Village at one of the most critical hit grizzly locations in the entire park is out of step with the park's other efforts on behalf of the bear. Grant Village and other such complexes that serve park visitors should be relocated in areas of low grizzly use within the park.

Second, the U.S. Forest Service, too, has made great progress in recent years toward effective grizzly management in the Targhee National Forest, a job made especially difficult within the multiple-use framework. A sincere effort has been made to identify and prioritize grizzly habitat within the national forest boundary. More consideration has been given to grizzly habitat degradation. I would like to see the Forest Service take the following additional actions to better ensure grizzly security:

(a) A greater effort be made to sanitize campgrounds, outfitter camps, and other human-use sites.

(b) Livestock grazing allotments should be phased out where necessary in order to eliminate inevitable conflicts.

(c) The Forest Service should work with other agencies outside the park to develop a program to reimburse ranchers for livestock kills or relocation expenses. In Montana, the Great Bear Foundation has a successful pilot program to reimburse ranchers for kills on private land. A program such as this might be expanded to include Forest Service lands as well.

(d) Somehow the Forest Service should work to divert agency funds from development activities, such as new roadbuilding and timbering to maintenance and restoration of existing human-use areas. Since few, if any, Forest Service activities generate more income than is spent in managing them, the more critical and broadminded approach in deciding whether or not to develop an area should be made. The current preference for product-oriented management may prove to be the most expensive agency alternative when subjected to careful economic analysis and the least desirable in terms of habitat quality.

(e) Large developments in grizzly habitats, such as Ski Yellowstone, are in obvious conflict with effective bear management and should not be allowed.

The U.S. Fish and Wildlife Service should also be given greater authority to coordinate the enforcement of the Endangered Species Act laws concerning illegal killing of grizzlies and be more involved in the prosecution of violators. There are still too many illegal grizzly bear kills and prosecution is very inconsistent.

Some agency also needs authorization to coordinate private land bear management consistent with that on public lands. Municipal and county policies affecting grizzlies should be within recommended guidelines worked out with an overseeing agency.

I believe that the economic sacrifice for continued and expanded grizzly protection is worth it. I don't believe the price is as high as many shortsighted prodevelopment people would have us believe. The autumn 1984 Montana Business Quarterly in an article on the future of the forest products industry concludes that the grizzly bear habitat protection is not a significant factor in the decline of the timber industry, and the jobs that have been lost in the timber industry are the result of mechanization, low product demand, and competition from areas better suited to long-term forest products production.

The protection of grizzly bear habitat benefits other wildlife as well and provides an economic basis for a variety of long-term, nonconsumptive forest uses.

As a lifelong resident of Wyoming and Idaho, I respect and admire the grizzly. I fully agree with Frank Craighead's statement:

> A live grizzly is a symbol of freedom and understanding, a sign that man can learn to live and conserve what is left on the Earth. Extinct, it will be another fading testimony to things man should have learned more about but was too preoccupied with himself to notice. In its beleaguered condition, it is above all a symbol of what man is doing to the entire planet.

Senator SYMMS. Thank you very much, Bob.

The next witness is Robert Turner from the Audubon Society.

STATEMENT OF ROBERT TURNER, REGIONAL VICE PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. TURNER. Senator, I'm Bob Turner, the Rocky Mountain regional representative for the National Audubon Society speaking today on behalf of the 5,500 members that we have in Idaho, Montana, and Wyoming, which is up from just a small handful in 1970, and also for the Audobon's half million members nationwide. I want to certainly thank you, Senator, for holding this hearing. Many of the grizzly bear issues are currently occupying the attention of conservationists, and managers, and citizens alike, and we appreciate the opportunity to offer some of Audobon's views.

I'm going to go through my testimony not word for word but a more abbreviated version.

Senator SYMMS. Your entire testimony will be part of the record.

Mr. TURNER. Thank you, Senator. Significant strides are being taken by all sectors of the community of the user groups to resolve conflicts on grizzly bear issues. Audobon has been actively involved in the recovery of the grizzly bear for the past 4 years. Our programs consist of the reward program. We were also able to secure $10,000 to help bearproof the garbage facilities in West Yellowstone and then lobbying through State and Federal legislatures to secure funding for enhanced management and research.

We do not want to see the grizzly bear become extinct, nor do we want the livestock or timber industry to be extinct. Fundamental, in fact, to all of our interests is the basic principle that the grizzly can and should be managed in multiple use. There should be coexistence.

What we're asking for is 1 percent of the land base of the lower 48 to be able to manage the grizzly bear in this situation. The area of concern for us today is the greater Yellowstone ecosystem, and it's a recreational mecca for all of us in this room. In fact, when I was at a conference in June, it was estimated that over $450 million of recreational money annually comes into the Yellowstone ecosystem. These were the estimates from the Cody and the Jackson Chamber of Commerces.

Of special interest to the people of Idaho are the restrictions on grazing and other uses in the Targhee, and also the concerns which you raised immediately of public safety. We would like to examine these concerns with the hope of clarifying some of the controversy.

Point 1 of our 3 points, Senator, is clarification of the recovery goal. Under the Endangered Species Act, the goal of all the management agencies is to achieve recovery of the grizzly bear, get it delisted, have the management returned to the States and allowing all of us to move on to many other issues. I think that all of us are for this goal.

Senator Symms. When you say by delisted, you mean get up to 350 bears so it comes off the list? Is that what you mean, or did you just mean delist it?

Mr. Turner. No; I think it's 300, 301 or 302. Get it up to that recovery point that the recovery plan states is a minimum level.

Senator Symms. Then turn it over to the Fish and Game Department?

Mr. Turner. Exactly, yes, sir. Situation No. 1 habitat, which was established only after public review of the forest plan, the grizzly bear receives priority over other conflicting uses. In all areas other than situation No. 1, the needs of the grizzly bear must be balanced against other uses, often with competing uses receiving priorities. It is not the intent of the Forest Service and other governmental agencies to expand situation No. 1 habitat every time that a grizzly bear moves out of its presently existing occupied habitat.

Point No. 2 on livestock predation. Sheep and bears do not mix. The National Audubon regards sheep grazing in occupied grizzly bear habitat defined as situation No. 1 under the forest plan's guidelines as incompatible with the species' recovery. While the Targhee makes up only 4 percent of the greater Yellowstone Ecosystem classified as situation No. 1, the magnitude of conflict between bears and sheep on the Targhee is readily apparent. An estimated average of 11 grizzly bears killed per year in the period of 1976–1981 is an example there.

Intensive monitoring of grizzly allotments in situation No. 1 habitat helps prevent grizzly mortality, but monitoring is expensive and most important fails to prevent the grizzly from killing sheep. Once a bear has had the opportunity to kill sheep, that grizzly will likely kill sheep whenever the opportunity presents itself again. The solution lies in preventing this opportunity from ever occurring in the first place.

Audubon submits that the replacement of the Situation 1 summer grazing land with the selection of allotments outside the bear habitats has a minimal long-term impact on the Idaho Woolgrowers. Removal of these grazing allotments reduces bear-livestock conflicts, allows more high country habitat to be available for game animals and removes this training area where grizzly bears can learn to predate on livestock.

Third, the final point dealing with life and property. We believe a great deal of confusion surrounds what constitutes an illegal taking of a grizzly bear as a threatened species. Currently the Code of Federal Regulations prohibits the taking of grizzly bears except those taken in self defense or in the defense of other people. Persons killing a grizzly in self defense need to report the incident to the U.S. Fish and Wildlife Service under these regulations; Idaho residents have the right to defend themselves and their families from grizzly bear attacks. Such action would have to be defensible as reasonable and prudent. A bear shot in the back while feeding over a moose carcass makes a poor self defense claim. And the authorities are unlikely to find justification. There was a case like this in Montana.

The defense of property should be carried out by State and Federal officials. For this system to work, a response by these officials must be prompt with effective control action taken before the landowner has suffered any more unnecessary hardship. In cases where landowners are practicing good husbandry and still suffer depradations on private land, compensation should be made available. We support it. Where the landowner has not seen fit to take prudent measures to minimize the bear attractance, the billing for the cost of the agency action should be levied against that landowner.

Obviously, it's the goal of the management system to protect both the bears and the people. However, there are individuals, humans and bears, whose actions impact on the rest of us who reside near the Yellowstone Ecosystem.

I'm going to summarize my statement now, Senator. Not everyone in the room likes or even tolerates the grizzly bear. Opponents to protecting the grizzly bear in the coterminous United States are apt to say that there are plenty of grizzly bears left in Canada and Alaska. Let us have Yellowstone. Defenses to this remark range from preservation of wilderness, ethics, and just knowing that the grizzly is out there. Perhaps the best reason for continued protection and enhancement of the grizzly bear requires a leap in faith. Since the grizzly bear became a threatened species in 1970, we have advanced our knowledge in effective management of bears equantumly. In fact, that's been used by others today. While there is often a lag between research and its implementation into effective management, the agency charged with the management of the grizzly bear and multiple use of our Nation's natural resources have gotten considerably better at their jobs.

The following three examples give some indication of what improved bear management means to the residents here in eastern Idaho. With increased knowledge comes the likelihood of less restrictions, not more. The success of augmentation programs brings the bear closer to this delisting, which we talked about. Finally, with the bear-proofing of dumps, sensible camping techniques, and removal of bears with the memory that they've established of man's food comes a likelihood of less confrontations with the grizzly.

Audubon believes that the interagency committee provides the most appropriate and effective vehicle for finding that balance between the grizzly preservation and the conflicting uses in the ecosystem. IBC as the principal forum for the coordination of grizzly bear policy has proven itself up to this challenge time and time again. Where controversy and interagency turf fighting once dominated and paralyzed grizzly bear management, what we now have is a working, responsive, professional, and credible system addressing the full range of issues surrounding the grizzly. We've come a long way in achieving the balanced approach, but without regional support from Idaho's residents and the leadership from the Idaho delegation, these gains will end and a stalemate between regional interests and national interests will ensue.

Thank you very much, Senator, for having Audubon here to present its views and for being here to hear from all of us.

Senator SYMMS. Thank you very much for your statement. It's very thoughtful.

The Idaho Environmental Council, Cyril Slansky. Cyril?

Mr. SLANSKY. I'm going to try to divide my PA system between you and the audience. I don't know if this is going to help. I don't have the strongest built-in microphone.

Senator SYMMS. Do we have a written statement of yours here, sir?

STATEMENT OF CYRIL SLANSKY, IDAHO ENVIRONMENTAL COUNCIL

Mrs. CYRIL SLANSKY. Thank you, Senator Symms, and members of the committee. I am Cyril Slansky, a member of the Idaho Environmental Council of Idaho Falls. I will summarize my major testimony in the following way:

The Idaho Environmental Council is an all volunteer organization established with the primary mission of encouraging environmentally sound government practices through knowledgeable public involvement. The IEC welcomed passage of the Endangered Species Act of 1973 in hopes that the act will be extended. The IEC remains most apprehensive over the fate of Idaho's tiny remnant, grizzly bear populations. Since classification as a threatened species in 1975, grizzly numbers have steadily declined in northern Idaho and throughout the Greater Yellowstone area. Strong measures are clearly warranted to reverse this overall trend. Tragic human conflicts remain from sheep grazing, camping, and black bear hunting on territory frequented by grizzlies.

A related truth is that trapped and back country relocations of nuisance bears, those habituated to garbage, livestock, and camp food is a notoriously unsuccessful management technique. Limited grizzly-human coexistence must obviously be permitted, at least on a seasonal basis. However, managing grizzly habitat for human profit and enjoyment is clearly not compatible with grizzly survival. The IEC has established the basic position that a less flexible more serious management framework is absolutely required for grizzly survival, at least outside the Glacier National Park, Bob Marshal Wilderness ecosystem.

Our hope is through stiffened agency resolve with reference to the greater Yellowstone ecosystem where the guidelines were first adopted, we cite the following four instances affecting situation 1 habitat:

One, the U.S. Forest Service continues to process applications for the Ski Yellowstone proposed resort.

Two, the National Park Service has opened Grant Village Complex along Yellowstone Lake. IEC does not oppose recreation in the park, but the site for this massive visitor facility was poorly chosen, at least from the grizzly's viewpoint. In exchange for Grant Village, the Park Service has agreed to remove Fishing Bridge Campground to give grizzlies some living space along the lake's north shore. The Park Service neglected public involvement, aroused opposition from the community of Cody, and has just begun the full environmental statement that should have been completed before Grant Village construction even began.

Three, far too much road construction has occurred within occupied grizzly territory on national forest lands surrounding the park.

The above circumstances seemingly infer that the grizzly is flourishing in and around Yellowstone. Not so, this supposedly happy state of affairs is fiction. Over the last 20 years, the Yellowstone population has been approximately cut in half of grizzlies. With 3 female mortalities in this season, and another during the last hibernation, field biologists now estimate that only 25 breeding age females remain within the ecosystem. This death rate for adult females exceeds the 10-year average of 2.4 for known kills and is much larger than the 1.1 maximum allowable value calculated by John and Frank Craighead for managing existing grizzly numbers.

The IEC is convinced that a biological crisis exists in Yellowstone. Accordingly, along with 20 other State and national conservation groups, the IEC board of directors has endorsed the citizens' proposal to save the Yellowstone grizzly bears. A document is attached to the testimony.

Finally, is the grizzly bear worth all the trouble and expense? First of all the IEC feels strongly that larger administrative budget shares should be devoted to all species actually in danger of extinction, no matter how they are classified, as well as to preserving ecologically balanced wildlife refuges.

Second, we submit that protecting the current grizzly populations will cost very few existing jobs, though some shifting of activities is inevitable. We do grant that certain forms of temporary economic growth would be curtailed in the near future. But these types of once-over consumptive resource exploitation do not provide long-term employment stability.

Lastly but probably most important, there is an ethical question as to our right to crowd another species off the planet whose only crime was to evolve along with us. This the IEC cannot support in good conscience. Perhaps by exercising some courtesy, consideration, generosity, and fairness toward hopeless species like the grizzly, we can best learn to coexist in peace and prosperity with our fellow humans. Otherwise, man may face extinction by failing to agree, for instance, on nuclear disarmament just as the grizzly bear is facing extinction.

Thank you for your attention.

Senator SYMMS. Thank you very much. The next witness is Ralph Maughn, Sierra Club. Do you have a written statement, Ralph?

STATEMENT OF RALPH MAUGHAN, VICE CHAIRMAN, NORTHERN ROCKIES CHAPTER, SIERRA CLUB

Mr. MAUGHN. Yes; I handed it in. Here's another one.

Thank you, Senator. I'm the vice chairman of the Northern Rockies Chapter of the Sierra Club, that's the States of Idaho and Washington. I'm a volunteer, it's an elected nonpaid position. You did say you wanted Idaho people primarily to testify here today, so you've got me instead of some hot shot from the national office, I guess. I spent part of my boyhood here in Rexburg; I've lived in Pocatello for the last 14 years; I'm the coauthor of the "Hikers Guide to Idaho" and also "Beyond the Tetons" which is a guide to the Teton Wilderness, which is just south of Yellowstone, southeast of Yellowstone. It's one of the largest wildernesses in the country, not to be confused with the Teton Mountains. It's also all situation 1 grizzly bear habitat. And I spent, I suppose, about 200 days in the last 14 years hiking and fishing and so forth in occupied grizzly habitat. I'm not a bear biologist or anything like that.

The views that I'm expressing here today are the views of the Northern Rocky Chapter, but not the Sierra Club as a whole. We do have a grizzly bear committee. We're coming up with a national policy on the grizzly bear.

Three basic proposals we'd like to make here today, it's been stated several times that the critical factor right now in grizzly bears seems to be how many reproducing females do we have. Estimates range down to as low as 30. Mr. Slansky just said perhaps as few as 25. At any rate, if there's no females, you're not going to get more heirs. This year there's already been four mortalities of females in the ecosystem. You said three, but I read in the Jackson Hole Guide just the other day that they found another dead female in the Teton Wilderness. So this possibly could reduce to 26. Now if there are 200 bears, as Tracy Trent said is a possible figure, and you only have 25 or 30 or 35 reproducing females, it doesn't take much calculation to figure that it's going to take a long, long time before the grizzly bear reaches its recovered status of 350 bears.

Now we don't believe it's in anybody's self interest, not conservationists, not forest users, industry forest users, recreationists, to have the grizzly bear forever on the threatened species list. All it does is result in a lot of restrictions. What we would like to see is, we would like to see the bear recovered. Now one way I suppose would be to declassify it, but we want to see the grizzly bear really recovered. So we're proposing a rapid recovery through population augmentation. That means bringing in some reproducing—well, we'll see if they reproduce. We'll bring in some female grizzly bears.

Now you said several times here today, Senator, that there are a large number of bears in Canada and Alaska, and we propose that some funds be appropriated to bring some grizzly bears down on an experimental basis, just a few at first, transplant them into some place in Yellowstone next to good habitat away from livestock allotments, and see what happens. If that works out, if the grizzly bears stay in the area and if they have cubs, then a large-scale program could be started. I think within 4 or 5 years we could have a recovered grizzly bear population in this greater Yellowstone ecosystem. But if we go on in the current rate, even if we increase the restrictions, even if we close Yellowstone National Park down, if the current number of females is only 25 or 30 or 35, it will be 20, 30, 40, 50 years before we have a recovered population of grizzly bears. Meanwhile, everyone will be suffering under these restrictions. And it's not just the forest products industry, or the livestock industry that's suffering, it's also those people that want to use Yellowstone back country. Large portions of Yellowstone are now off limits essentially throughout the entire season to anyone who wants to go in and backpack. So everyone is suffering from this.

Senator SYMMS. Off limits to whom?

Mr. MAUGHN. To human entry, period.

Senator SYMMS. Because of too many bears or not enough beears?

Mr. MAUGHN. It's not clear why they have been closed.

Senator SYMMS. I guess we should ask that. Well, we've still got the park ranger here. We can ask him that question.

Mr. MAUGHN. Another thing that's been suggested here today, and you alluded to it, I believe, in your introductory comments, is that people who are grazing livestock on the national forest, that their losses for the value of the dead sheep, dead cattle and moving their livestock be reimbursed. And I think this would diffuse a lot of the opposition that some ranchers have shown through the grizzly bear program. The number of livestock that are taken are not very large, and it doesn't really amount to much of a drop in the bucket in terms of the total economy, but if it's your sheep that are being eaten, you know it's not much consolation to have somebody say, "Well, it's just a few sheep."

The other thing we propose, and this is probably fairly controversial, is that separate grizzly populations be established. When you have an endangered species, even if you have quite a few of them in one place, an unanticipated catastrophe can wipe them out. Even if you have a very good bear management recovery program, a bad storm perhaps, a bad season with the pine nuts as someone already mentioned, this can greatly reduce the numbers. We suggest that some grizzly bears be transplanted to other large wilderness areas in the West, and I'm thinking particularly of central Idaho, the River of No Return Wilderness, the Selway-Bitterroot Wilderness, two of the largest in the country. They have low density of human use per acre. They have virtually no livestock grazing. That would be controversial, I'm sure, with some people, but that's what we propose as a way of having a backup in case something happens to the Yellowstone population and the population up in northern Montana.

Senator SYMMS. I'm sure it couldn't be much more controversial than your first recommendation, Ralph. I don't think that would get too rousing of a resolution with the Idaho Woolgrowers Association.

Mr. MAUGHN. Well, it would seem to me it would be in their self interest to have the grizzly bear recovered, so that the restrictions of situation 1 habitat didn't apply to them. I can't see why they would not want to have the grizzly bear recovered. If it were recovered, then it would be easier to take a grizzly bear. If they're brought in on an experimental basis, what could be wrong with experimentation. If it works out fine, the program could be expanded. If it doesn't work, then it could be terminated.

I guess what I'm saying, I think it would be in the interest of everyone in Idaho if Senator McClure would change his mind and buy the bears a ticket down, and let's see what happens. Thank you.

Senator SYMMS. Thank you very much. We appreciate all four of the testimonies that were presented here. Just one question, do you all agree and your organizations agree with the number that's being thrown around here of 200 bears? Or do you just agree it's too difficult to really count?

Mr. STEVENSON. I don't think we have any way of knowing.

Mr. TURNER. We believe in the expertise that's brought these figures.

Senator SYMMS. But you said very clearly you wanted to get it up to 300 bears.

Mr. TURNER. I think 301 or 302 is the recovery number.

Mr. MAUGHN. I think the committee is in the process of reevaluating the whole recovery plan for the responsibilities, and I'm not sure what the number is right now.

Senator SYMMS. I've been hearing 350 bears was the number.

Mr. MAUGHN. We have an expert here holding up three fingers.

Senator SYMMS. Who is the expert? The Park Service says 301. John, while the Park Service is on, John Varley from the Park Service, did you want to comment on the statement made here about certain areas, why they're closed?

Mr. VARLEY. Yes; Ralph seemed to indicate that he wasn't sure what reasons they were set apart. And these are seasonally very important food sources to grizzly bears. And most of them, for example, in the elk and bison winter ranges, where they die in the winter and the bears come out of hibernation and go eat that carrion, and those are closed at that very important part of the spring. They do, however, open up in the visitor season, which is June 1. There is one 13,000-acre area of the park that is closed all season; however, that is bisected by a paved road. And one of the great benefits of that closure is that all of the people driving that road have the very high opportunity to see these bears in their natural habitat. And it's just closed to off-road use.

Senator SYMMS. Are people seeing as many bears in the park as they used to?

Mr. VARLEY. No, sir. We no longer allow begging bears, and that was primarily a phenomenon associated with black bears. We no longer allow begging bears.

Senator SYMMS. So in other words, you don't allow people to feed the bears out of cars and so forth?

Mr. VARLEY. That's right.

Senator SYMMS. I remember very well when I was a kid that we saw all kinds of bear over there.

Mr. VARLEY. Yes, sir. There were a lot of bears along the roadside that ultimately got very much out of hand. We were getting on the order of 150 human injuries caused by those bears in a given year. And that sort of puts our situation today into perspective in that we talk about this incident or that incident, four incidents here, eight incidents there or something like that. I think it's fair to point out that in the 1950's and 1960's we were dealing with over 100 per year.

Senator SYMMS. Counselor, do you have any questions?

Mr. SHIMBERG. No; I don't.

Senator SYMMS. I thank all of you very much for your statements and contributions to this hearing.

We now come to the point of open mike, and let's see. First up here is Emery Davis.

STATEMENT OF EMERY DAVIS

Mr. DAVIS. I am Emery Davis of St. Anthony, ID. I'm going to comment on four of the different areas. Now since these panels have been here, I'm hearing this numbers game. When Dick Knight first came out of Yellowstone Park to start to set up this bear recovery program, we asked him specifically, and this was soon after the difficulties that Anderson had had with the Craighead brothers, how many bear they had in the Park.

Dick Knight said before many witnesses in St. Anthony that they had from 300 to 380 bears.

Senator SYMMS. Now Dick Knight was——

Mr. DAVIS. He is yet, I think, head of the recovery team.

Senator SYMMS. For grizzly bears?

Mr. DAVIS. Right.

Senator SYMMS. With the Fish and Wildlife Service?

Mr. DAVIS. No; for the Park Service.

Mr. VARLEY. For clarification, he's the leader of the interagency grizzly bear study team, for primary research.

Senator SYMMS. When did he say about 300 to 350 bears?

Mr. DAVIS. I imagine this talk was back in 1977 or 1978.

Senator SYMMS. Do you think there's 300 to 350 bear now?

Mr. DAVIS. I have no idea, Senator. I do know that in the area that I operate, that except for 3 or 4 years while they were hauling them out to us to establish a population so they could make a situation 1 area of it, there had been no bears over a period of 55 years. We had had problems with one grizzly bear. We hadn't—the Cattle Association had a bear that killed wet cows for about 8 years before he ever looked at the sheep.

But I'm getting away from what I wanted to talk about. I wanted to mention these numbers, and there are several men here today that could verify what I'm saying about these numbers is actually what Dick Knight told us in the supervisor's office or in the Forest Building in St. Anthony.

Now the next thing I want to talk about is situation area. I operate four bands of sheep all in situation area 1. Over a period of 55 years, we had this one bear that I spoke of through that country pretty much as a native. He was there every summer. But other than that, until the 1970's, I think 1979 was the last bear that we were witness to them unloading there. They say they didn't, but they did, because I have witnesses in this State and in Wyoming both that they unloaded those bear there. Most of them had from one to three tags in their ears. And apparently they were naive in thinking the bear would stay there, because apparently they've gone back. We've had forest monitors living with our outfit for four summers. They never seen a grizzly bear in 4 years.

I feel that there should be, and I think a lot of men in our area feel that there should be, a feeding program instituted in the park where they harvest part of the excess elk up in that Madison River herd and take them into a remote area with a chopper, and some of those brucellosis bison they're talking about, the same way, probably in late March or early April. So those female bear can come out of their dens and get some of that high protein food. As I understand you, their reproduction is very, very low, and I think this type of feed at that time of year would be very helpful. And I think it's critical for the grizzly bear to exist, because he got that type of feed out of those dumps before they closed them. And I think that's what is causing this low conception rate or reproduction rate, whatever you want to call it.

Then another thing that I feel very strongly about and a lot of the people in the area is that when it comes to troubleshooting, we need one agency. This cooperation is fine, but get it done before the problem, who's going to do what. And let's send the ADC people in there to do the job that has traditionally been their job.

Cooperation, the way it's been going on, is costing thousands and thousands of unnecessary dollars. Each agency has an airplane, a helicopter, and a crew of men on the scene, and nobody knows who's going to do what. And I submit that the animal damage control people have the manpower, and have the know-how, and the capability to do these jobs.

That's all I have to say.

Senator SYMMS. Thank you very much for a very direct statement. Now Mr. Davis, I take it you base that on not only your lifetime of experience in this region, but your father's, too, from what you said earlier?

Mr. DAVIS. That's right.

Senator SYMMS. So you're going back how long?

Mr. DAVIS. We were operating in this forest 15 years before the Forest Service was established.

Senator SYMMS. What year did you start?

Mr. DAVIS. My grandfather, William Davis, started grazing back in 1887.

Senator SYMMS. The question I want to ask you is for the 55 years when you said there was one bear previous to moving them in, did you or any of your herders ever see that bear?

Mr. DAVIS. I saw him. He came up in front of my tent in Cones Basin one night and looked the salt over that I had piled on an old log there and looked around the den for a few minutes and went on up the trail. I don't know whether any of the cowmen seen him or not. The rider at that time followed him for several days, in fact they had a reward on him.

Senator SYMMS. But nobody ever did take the bear?

Mr. DAVIS. Nobody ever did take him. The dogs couldn't tree him. I guess the reason is because those big bear can't climb. But the bear was eventually killed on the head of Berry Creek after he got to be an old bear. But he spent several years just killing wet cows.

Senator SYMMS. How many cows a year was he killing?

Mr. DAVIS. Ten or twelve, fifteen head of wet cows on the Squirrel Creek allotment.

Senator SYMMS. Did the ranchers try to take the bear? They just couldn't catch him?

Mr. DAVIS. They tried him with dogs and horses, and that's real tight timber country. They just didn't have any success.

Senator SYMMS. OK, well thank you very much, Emery, I appreciate your testimony. Your family has been around a long time. From 1887 to now, that's almost 100 years.

Mr. Davis. There absolutely was no colonization of bear in that area. As far as I'm concerned that was a separate deal. The Forest Service were asleep. They didn't know what was going on, and Dick and some of his boys picked the areas that looked good and set them up as situation 1. And today, why they say we all had a hand in it, but that isn't true.

Senator Symms. You're saying you never really had bear. You just had the one bear in the 55-year span?

Mr. Davis. That's right. There's been no bear there for 4 years since the Forest Service clamped down and didn't let them haul them out there, we've had no bear.

Senator Symms. I understand Carl Agren wanted to make a statement. Carl. Welcome to the committee and we're glad to hear from you. Is that A-g-r-e-n?

STATEMENT OF CARL AGREN

Mr. Agren. Agren. I have just this one sheet. It's all mine, and relating mine to other details in regards to Yellowstone National Park.

To Senator Symms and other interested people, I hope that this gets the attention of Senator McClure, as well. I have always enjoyed going with my family to Yellowstone Park. I have enjoyed the good fishing, bears, wildlife, and scenery. In the last 20 years I've seen it deteriorate to nothing but a drive through. It is no secret that it is the intention of the Interior Department to do away with all car tourist traffic, leave the cars outside the park, and take buses through. Their actions and intentions are prompted by the environmentalists who want to change everything, mostly to our detriment. Those in charge of the park couldn't have done more to have ruined it for the tourists than what they have done. An eighth grader would have better judgment than they.

One typical example of their judgment is their closing of the southeast arms of the lake to boats of 5 horsepower or over. Their reason for doing this was that the waves from the wake of their motors eroded the shore. Other actions doesn't show much better judgment than this. Visitors have not endangered the fowl nesting on molions. There used to be a fish hatchery at the lake. This was done away with—why? The fish population decreased; limits were lowered to what is now two fish under 13 inches in length. You can't catch a fish under 13 inches in length. About 1 month ago, I caught two fish, one 17 inches and another 15¾. What a cruel thing to do, tear their gills and mouth in getting the hook out and then turn them loose.

In the river, they have catch and release, meaning you release all that you catch. I don't believe that this is sport or humane. The park used to be open to fishing May 15. Now it doesn't open until July 15. The best of the fishing is over by July 15. Who would fish anyway, and only be able to keep 2 fish out of maybe 15?

My brother came off the lake with one fish an eighth of an inch over 13 inches and was fined $30, and they kept the fish. I was putting my inflatable raft in the lake at Mary's Bay, and a ranger came along and asked if I had a boat license. I told him that according to Idaho law an inflatable boat or raft is not considered a boat. He said within the park that it was, and I would have to go over to the lake ranger station and buy a $10 license.

I was informed that anything that floats was a boat, such as inner tubes and these fisherman's wading tubes.

This all makes the park a great place to not go and have relaxation and fun. It used to be a real show, seeing bears and their cubs along the road begging food to be thrown out car windows. They were domesticated bears then, very seldom was anyone hurt by bear and no one if they used precaution.

They took the bears back in the wilds and they became wild, and people are attacked. You can't go to Yellowstone Park and see the bears any more, and if you saw one, it wouldn't be tame as they used to be. Children used to like to fish from Fishing Bridge, but no more. There used to be cabins in Fishing Bridge giving real service to the public at no cost to the park. They were done away with. Now they want to do away with the campground. It brings in enough money so that it does not cost the park and is a service to the public, but they want to do away with it.

Our children, as well as ourselves, will never know again the pleasant times that we had in Yellowstone Park if the present management continues. I don't know what more they can do to ruin the park. They're sure doing a good job of it, the Department of Interior shouldn't be given 1 cent until they retrace their steps and give service.

Senator Symms, the answer by the National Park Service to the issues brought up in my letter to you is totally unacceptable and shows their incompetence to manage the park and give service to the public.

I would give to your assistant a copy of this letter that was sent to you in regards to my letter sent in regards to these complaints. And I will relate each one. I won't take time here today to do that, but I would like to show that their answer is totally unacceptable for the way they manage the park.

Senator SYMMS. Carl, thank you very much for your testimony. I know you've gone to a lot of work, and a lot of trouble, and obviously have a great love for the park.

D. Blanchard, I think. Did D. want to make a comment?

Mr. BLANCHARD. Here I am.

Senator SYMMS. Did you want to comment? I don't want to put you on the spot.

Mr. BLANCHARD. I don't know whether I can do it in front of a bunch of people or not. I get stage fright.

Senator SYMMS. Dee is the gentleman who has the distinction of having a bear get into his sheep in 1985. Was it this summer?

Mr. BLANCHARD. Yes.

Senator SYMMS. And I think you talked with my office on that a couple of times.

Mr. BLANCHARD. What I would kind of like to ask is, where do they get this number of 35 or 25 females? How do they establish that, when they don't even know how many bears? I'd like to ask that question, but maybe nobody can answer that, I don't know.

Senator SYMMS. Is there any of the Fish and Game biologists here that would like to take a stab at how do they come up with 35 female bears that are of the proper breeding age?

Mr. **Servene**. Senator, I could try and answer that question.

Senator **Symms**. Could you please identify yourself?

Mr. **Servene**. My name is Chris Servene, I'm with the Fish and Wildlife Service.

Senator **Symms**. Thank you, Chris.

Mr. **Servene**. There's an intensive program underway to monitor the trend in grizzly bear population over time. And really the only bear you can tell from a distance as to what sex and age they are is females with young and the year. You can tell females with young, because the young are so small. The average length of time that females spend is 2 years with their young.

So that means that the average female has young at her side about every 3 years. So over a 3-year period, if you count the total number of females with cubs that you see in the system, total those numbers of females up over that 3-year period, that will give you an average number of females, total number of female adults in the system. That's how they do it.

They're flying about, oh I don't know, 120 hours each summer on intensive air transects throughout the entire ecosystem counting females with young throughout the area.

Senator **Symms**. Do they fly that with a helicopter?

Mr. **Servene**. Fixed wing aircraft. That's how they come up with the number of females in the system.

Senator **Symms**. Thank you very much. Sir, you wanted to make a comment.

Mr. **Enget**. My name is Bill Enget, E-n-g-e-t.

Senator **Symms**. Now this is the man that had experience with old No. 38.

STATEMENT OF BILL ENGET

Mr. **Enget**. Yeah, I have had a lot of experience with grizzly bears. Like I said, my dad come to the country in 1890 to Island Park, and we started running sheep on Two Top in 1924. From 1924 until 1972, which I think that's when they quit feeding them in the dump, we had one grizzly bear, and it was in 1926, come to the ranch and get my dad's sheep right on the ranch there, and he killed a bear that year. We still got his hide up in the shop up there.

Senator **Symms**. That was when?

Mr. **Enget**. It was 1926, and there was never a grizzly bear. We run our sheep on the mountain every year from 1924 until 2 years ago, and we never had any grizzly bear problems until they quit feeding them in the park. When they quit feeding them in the park, why the bear had to come out and find something to eat, so they naturally come to Island Park.

And I still think, I got my private land adjoining on the Forest Service land right there, and we've got real good cooperation when we was up there with the Forest people, but at the same time when I had my sheep on the mountain and a grizzly bear come, I had to go to my private land. And they wouldn't do anything until I got on my private land.

Of course things have changed a little bit by now. But what we really need is a buffer zone between private land situation 3 and situation 1, which is about a half a mile from my house.

I've had bear come right on my porch and tear my screens off my house.

Senator **Symms**. What do you mean when you say a buffer zone?

Mr. **Enget**. An area where they can move the bear if there's a known grizzly bear comes in there, they can transport him back into the park before he gets in trouble. If he gets in trouble, why get him out of there before he gets to my private land.

Senator **Symms**. If he gets on your private land, what can you do?

Mr. **Enget**. I can't do anything with him. I've got to call the Forest people or the fish and game and tell them to remove him. He did that last fall. 38 was above my house, and the Forest people was watching it. That happened at 4 in the morning, and another grizzly came in and got in my box. I chased him by my house, and when he come back past the house, why he came right square at us. And I'm the one that Tracy Trent said wounded him, and I didn't seriously mean to wound him, I meant to kill him. He was about 30 steps from me when I shot at him.

Senator **Symms**. What did you shoot him with?

Mr. **Enget**. We shot a .338, we think is what hit him. And he was wounded bad. And I think he died.

But we got to have some kind of buffer zone there. Like I said, I think we have to have 5 miles. A bear can travel that far in less than 2 hours. He come 5 miles in less than 1½ hours. I seen him do it. We knew when he was on Two Top, in less than 2 hours he would be at the ranch. And we sure have to have a buffer zone of some kind in order to protect the bear and me, too, and whoever is camping or whatever.

If they don't, why they've already got a bad relationship with the public right now. Tracy Trent will argue about that, too, but I've talked to a lot more people, you know, and they're getting plumb disgusted with the way things are handled up there.

Senator **Symms**. In other words, from your point of view, you're not after the bears, but you'd just like to have some——

Mr. **Enget**. I'd like to have him moved out when he gets close to my place. I don't want to have him—that's all, because I have sheep and cattle, and all the neighbors are around there, they have cattle all along, and the grizzly bear will kill cattle.

Senator **Symms**. Thank you very much. Are there any others in the audience who want to make a brief statement? If so, I hope they will keep it to about 1 minute or so, because at about 4:15 I have to leave.

My counsel informs me he can stay a little longer than I can. Step up and identify yourself, please, and speak up. Who else back there had their hands up?

Dixie, get the names of people who want to make a statement.

STATEMENT OF RUTH GALE

Ms. **Gale**. My name is Ruth Gale, and I live down in Ucon. I'd like to specifically respond to Senator Symms' proposed amendment that you started the meeting off with. I think that the right to defend one's self and others from bodily harm caused by a grizzly is already quite clear and shouldn't be a point of contention. It seems to me that an amendment to that effect would be redundant. It already clearly exists.

I think, though, that in the at process of defending yourself against a bear, there needs to be a procedure to make sure that an investigation of the circumstances exists, so that we don't run into this situation where a hunter comes across a grizzly bear during elk season and follows it through the snow for a mile or two and then shoots the bear when it charges. We need to be able to separate clear self defense from those other types of events, where somebody thought they'd get an easy grizzly bear.

We need to be clear that the laws will be enforced and self defense is certainly valid, but not fudging it.

I think citizens should be compensated for documented damages to property on private lands. And agencies should also be urged to work with the private landowners to prevent conflicts, to come up with methods to prevent conflicts in the first place.

Senator SYMMS. Excuse me, would you give me your name again?

Ms. GALE. Ruth Gale, G-a-l-e. On public lands, damages should be professionally documented and just compensation made. I'm confused, because recently in the congressional hearings on the proper value for grazing fees it was pointed out that one reason to justify their below market value is because of predator losses on Federal lands exceeds predator losses on private land.

There is a degree of compensation worked into the grazing fees, and that should be taken into account when additional compensation is made.

One last point is, I don't agree with this idea that we should compare our management to what our grandfathers would have done. I think the creation of most of our fish and game departments and wildlife management was in response to the slaughter of wildlife that was done during our grandfather's ear. They virtually wiped out whooping cranes, passenger pigeons, trumpeter swans. Most of our large big game species were at their lowest ebb in the 1920's as a direct result of the frontier philosophy. And I think we've learned a lot since then and shouldn't use that as a measure.

Senator SYMMS. Well, I think you make a good point, Ruth, but we have to differentiate between a whooping crane and a grizzly bear.

Ms. GALE. Our big game and our predators.

Senator SYMMS. What the effect would be, but thank you very much. This gentleman right here in the corduroy coat.

STATEMENT OF CHARLIE WHITE

Mr. WHITE. I'm just a citizen from Idaho Falls, retired. I've been in the ranching business in years past and so I can see both sides, and I'm not trying to represent either one.

I think what I hear today, and I don't have a written statement, but I just retired and got back here again in this part of the country. And I don't have anything with me. But I think what we're hearing today is something like the tax reform. Everybody wants it, but nobody wants to take it up. They want the other guy to do it. I think it's got to be, as someone has said here, a real cooperative situation.

Having been involved with ranching and using public lands on a quite large scale, I know what problems there are in that. I know there's a lot of pro and con on what the lady brought up here on the grazing fees. You can argue both sides of that forever, but the thing is, where there are grazing lands that are in conflict, and let's face it the grizzly is in the law. We're going to have to live with it. And if they are in conflict, then I think we've either got to do some moving or establish a buffer zone in some way that can take this up.

I think a big thing that's brought up today is we've got five different agencies or whatever in the coordination council. Let's get the name of one agency or one telephone number where the rancher calls, and not have to call one and hope that he'll call the other, wheever it's coordinated. One place to make the call. The numbers—there've been a lot of numbers given out here. I don't know where the environmentalists, the gentleman over here, get his number of 25 bears. I don't know where these people over here get 35 females, just like somebody else said, they don't know whether there are 200 or 400, so how do we know how many females there are? Well, we got a pretty good answer on that, and I hope that is a reasonable answer.

If that's the case, 350 is a nebulous number if you only end up with 35 or 50 females at 350 bears, you're fighting a losing battle.

Senator SYMMS. OK, thank you very much, Charlie.

Mr. Stan Glen of the Louisianna Pacific Corp.

STATEMENT OF STAN GLEN

Mr. GLEN. I think we kind of need to address the problem that ranch people have, taxpayers have, and the timber industry has, and that's that we have a shrinking land base. And there's a lot of people competing for that land base, and they manage to put costs on the rest of us.

Not everybody would like to see the grizzly bear. There's no problem of keeping the grizzly bear going. But we need to share the cost. When it comes to the point where a decision needs to be made whether they're going to shut down our mills and eliminate jobs or manage the forest and the grizzly bear, it's our opinion that the forest and the grizzly bear should be managed. Basically we're saying if there is a cost, we want it shared by the people. And we have this ever shrinking land base. Tax payers are all feeling the burden. We're all feeling the burden.

What the Audubon came up with made some sense to me. They're saying augmenting bear populations. At least doing that there would be a direct cost, and that would be paid by the people that want to save it. If the public decided that we all want to contribute toward that, then this would be the way.

I think the timber industry probably has just as many costs as the range people do. We have timber sales set up in subdivisions where we'll log one side, get our operations completed and we'd have to maintain sanitary camps, which makes sense, before we go to another subdivision before we're allowed to move.

We've operated with the bear inside the subdivisions where we are. There was, I believe, an animal and the Forest Service was aware it was there. And it didn't choose to go to the next subdivision. I think the darn bear is just like anything else, they're all different. One of them probably hates man, and the next one really doesn't give a rip. He's not going to stay that far away.

I get so darn concerned, because I can see my livelihood going out the window because we're not really addressing the problem. We had a problem and we still do. We had poor management in the past; now we have people who are studying the animal. We have an idea how to handle it, but all of a sudden we want to go to completely evacuate the area.

Senator **Symms**. Thank you very much. We've got three more witnesses here.

STATEMENT OF NORRIS FULLMER

Mr. **Fullmer**. In your opening statement you mentioned that the grizzly was a marvelous animal. And I got to learn that. In early July 1938, I had been certain the last few years that the thing that was done then is the proper thing to do to manage these grizzly bears, and I think it would be cheaper than what we're doing now.

My bride of about 4 months and I and two other couples spent a week in Yellowstone Park. We spent two nights watching the grizzly bears being fed out in the campground. Don't ask me which campground, but we did it. Old Faithful, that was it. It was a marvelous sight. We saw grizzly bears, and we saw brown bears or black bears or whatever. And the grizzly bear were more marvelous, because they were the king of the forest there. And those brown bears got out of the way, and it was a sight that was worth anyone seeing.

There were logs set up where everybody in the camp went out to watch those bears. And it was marvelous. And from everything that's been said here today, I don't know whether it's the law against feeding them; I don't know what's happened.

One other time I got to see the marvelous sight again at the dump at west Yellowstone. And it was a marvelous sight, but we had to see it by car lights, because the bear come out into that dump after dark. And again, the grizzly bear was the king of the forest. I've never spent but one night since that time in Yellowstone Park, so I've never seen it again. And I don't know when it was started or when it was discontinued, but from all that's been said here today by at least the first two panels, I'm certain that the answer to that problem is feeding those bears and keeping them back in there where they belong. They didn't bother anyone. We weren't as scared to camp out and we weren't as scared to go anywhere in that park. And you could go anywhere you wanted to if you could hike or drive.

Senator **Symms**. Norris, I thank you very much.

Bill Ader.

STATEMENT OF BILL ADER

Mr. **Ader**. Hi, I'm Bill Ader from Idaho Falls, and I'd just like to briefly comment on some of the things that have been mentioned here. We've discussed a lot of aspects of bear management and most of it's been about bear-stock confrontations. I would just like to remind everyone here that the land we're dealing with is public land, and that the stockmen there should have no more rights than anyone else nor should they have exclusive rights, just as the bear seems to have no exclusive rights there.

To briefly put things in perspective, there's 4,700,000 head of livestock on public land. We've got 750 bears. If every one of them ate a head of stock every day, 365 days a year, 93 percent of the livestock would come out of that year just fine.

And if we left the bear's solution to the farmers and ranchers, they'd do just like they did with the bald eagle. They would just continue to use DDT and enderine until they were gone. It's through committees like this that we got the bald eagle saved, and through committees like this, we may get the grizzly bear saved. Thank you very much.

Senator SYMMS. Thank you very much. The next witness is Cliff Bromwell. Cliff?

STATEMENT OF CLIFF BROMWELL

Mr. BROMWELL. I came in late, so I haven't been able to hear all of the things that were said, but I do have a few comments that I would like to make about the grizzly bear.

No. 1, the reason that we want to save the grizzly bear, as I understand it, would be so we can see a magnificent animal. The way I see it is that if I go up into the park or into the wilderness area, which I like to do. My favorite way of enjoying myself when I get free time is to go on a pack trip with horses up into the country where there may be a grizzly bear.

Personally, when I go and enjoy that beautiful wilderness area, I hope to heck I never see one. If I do see one, what am I going to do about it if he happens to attack? They tell us that the way to prevent grizzly bear confrontation is to take your panniers, you know these big boxes that you carry your supplies in and hang it from a tree 10 feet up and 4 feet out. And I defy you to try to find a lodgepole pine up there that you can do that with.

So what happens if I have a bear come into my camp and starts destroying things? I'm supposed to back off. If he comes after me, and I happen to shoot him, then it's still my fault because I didn't hang up my panniers.

Again, I love animals. I'm a veterinarian. That's the reason I became a veterinarian is because I have concern for an animal. But for the grizzly bear, if he's going to be a problem for man, then let's get him to a place where he won't be a problem. As far as I'm concerned, a grizzly bear isn't going to help me at all. I hope my grandkids never have a confrontation with a grizzly bear. But I sure want them to see the Teton country and the Yellowstone country. But let's not limit it so badly that if somebody sees a grizzly bear, then I can't take my horses up and enjoy that country.

That's all I have to say.

Senator SYMMS. Thank you very much. I appreciate that.

Now our last two witnesses are Alvin and Mary Smith.

STATEMENT OF ALVIN SMITH

Mr. SMITH. I've been riding in that country for about 35 years. We have a cabin up that way, and we've enjoyed it. All of a sudden now, the bears are beginning to attack.

For many years we watched the bears in West Yellowstone. We would go at midnight and watch the grizzlies, and I don't know of a problem. We had no fear of riding up in the hills. Now, I have to carry a gun. I don't want to kill a grizzly. I don't kill gophers anymore. I don't like to kill, but when we have cancer and it kills people, we get rid of it. And when we have drunken driving, we try to take a thing against it. When we have grizzlies and they kill people, we want to get after the guy who's fighting for his life and happens to get a big grizzly bear behind the ear with an arrow. Then they put him in court to try to defend himself.

I think that's a bunch of foolishness. Bear's place for man not man for bears. I like your comment, "My gosh, if they feel they have to have a grizzly, let's get them back in the country where they're not next to man."

There's a grizzly habitat right next to West Yellowstone, Hebdon Lake area, where people are. They've trained them in the dumps to eat. They took them out of the park, because they felt they were a problem. They put them just outside the park where all the people are, no way to feed themselves. They don't know how to feed themselves any other way.

I happened to go over in Scotland and I saw the sheep upon the moors and cattle up on those moors. And I said, "What are the natural predators of these animals?" I couldn't understand they could go so freely at night.

They said they didn't have any predators. No coyotes, no wolves, no bear, nothing. I said, "Don't you miss them?"

They says, "We haven't had them for 400 years, and we don't want any part of them."

I don't know why we're so one-sided on the grizzly. We don't have any dinosaurs anymore, no more camels or elephants in this country. It doesn't bother me a bit. I'd like to see the grizzly, if he's going to be handled, not be shot with a tranquilizer and put bells on them and follow them with $1,500 an hour helicopters. I'd like to see them left alone and put back where they belong without so much help from the people that are defending them now.

Senator SYMMS. Thank you very much, and I want to thank all the witnesses. I think we also owe a special thanks to the sheriff who was very cooperative in helping us get this room and help us get moved in here. I think we've had a very successful hearing that we will take back to Senator Chafee, Senator Stafford, and the others on this committee to help them with this problem. I think there's been a lot of helpful, common sense testimony here this afternoon and maybe, we can resolve this situation so that we can have the best of both worlds, which I think is possible.

So without any further statements, the hearing record will be kept open for the next week or so. If any of you want to submit written statements, send them to the Committee on Environment and Public Works to my attention in Washington, DC, the U.S. Senate, and we'll see that it's entered into the record.

The committee is adjourned.

[Whereupon the hearing was adjourned.]

[Statements submitted for the record follow:]

Rocky Mountain
Oil & Gas Association

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STATEMENT BY

ANDREW ANDERSON

ON BEHALF OF

THE ROCKY MOUNTAIN OIL AND GAS ASSOCIATION

BEFORE THE

SENATE COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

SEPTEMBER 3, 1985

My name is Andy Anderson; I am the Executive Director of the Idaho Petroleum Council. I am testifying today on behalf of the Rocky Mountain Oil and Gas Association (RMOGA) whose members account for more than 90% of the exploration/production activities for oil and gas in the 8-state region it serves. Because the federal land management agencies' grizzly bear policies have had such a dramatic effect on the petroleum industry's ability to operate on public lands, our membership has a strong interest in and concern about the management of the grizzly bear. We appreciate this opportunity to provide comments to the Senate Committee on Environmental and Public Works, Subcommittee on Environmental Pollution in its effort to gather testimony on this topic.

Carefully planned oil and gas exploration and natural resource development are compatible with wildlife and other multiple uses. Our Canadian neighbors believe, and have amply demonstrated that mineral development and grizzly bears can and do coexist harmoniously. In fact, we have seen no empirical evidence to support the contention that oil and gas activities are detrimental to grizzly bears or grizzly bear habitat. Assumptions by some in the United States that any human activitito warrant a withdrawal of habitat areas or unjustified restrictions on operations. We believe that evidence does support, however, the imposition of reasonable mitigation measures in conjunction with oil and gas activities. These measures are being successfully used in many known grizzly bear areas as the Canadian experience demonstrates.

Land management agencies often perceive increased oil and gas activity in frontier areas as universally causing degradation of wildlife species, such as the grizzly bear. Some have strictly interpreted the "disturbance" provisions of the Endangered Species Act of 1973, and have unnecessarily impeded the development of other natural resources in frontier areas. Because of resulting pressures applied by the agencies on multiple use activities, expdevelopment of natural resources have become increasingly more difficult, costly and time consuming.

We recommend that land management agencies take a more reasonable approach to Endangered Species Act compliance and justify their actions and decisions with scientifically credible data. We often find the agencies taking an irresponsibly conservative approach to management of the bear and its habitat. Our interpretation of the Act would lead the agencies to attempt to accomodate activities, and, through the consultation process, determine if those activities, with mitigation measures, should or should not go forward. Too often we find an automatic reluctance on the part of agencies to consider any activities even through the consultation process. One recent example is the proposed management of the grizzly bear habitat in the Shoshone National Forest, where the Forest Service has determined as a matter of fact, without consultation, that oil and gas activities will jeopardize the continued existence of the grizzly bear or will result in destruction of its habitat. The Forest Service, therefore, has deemed it unnecessary to proceed with the standard consultation process - the result of which removes all possibility for oil and gas activities. We believe this part of the Act's direction, albeit with some problems, is preferable to a refusal to consider activities at all.

The oil and gas industry has a good record of mitigating impacts to wildlife resources even though only a small portion of our operations have the potential to impact wildlife. We believe there are emotional and unsubstantiated concerns for wildlife resources and their habitats that are preventing altogether or causing unnecessary delays and additional costs to oil and gas exploration and development of natural resources. This is occurring at a time when domestic reserves are steadily declining due to continued withdrawal of lands into wilderness by Congress. Onshore oil and gas exploration should not be discouraged on public lands because of arbitrary decisions without consultation between the parties involved; but should be encouraged. In light of the demonstrated compatibility of oil and gas operations with sensitive environments and with sensitive wildlife species, we recommend that these activities be recognized as a valuable and necessary multiple use of the public lands.

The imposition of unnecessarily conservative and unreasonable management direction under which the oil and gas industry must try to conduct business is best described in the example of the North Fork well near Cody, Wyoming. The well was originally designated as a Grizzly Bear Management Situation 5 area. A Situation 5 management area is defined as an area where grizzlies do not occur, or the area is generally unsuitable, unavailable or unoccupied by grizzly bears, and it lacks values necessary for the survival of the species. The location, however, was reclassified as a Grizzly Bear Management Situation 2 habitat as soon as the NEPA process began on the well, and pressure to stop drilling because of the bear increased. A Situation 2 area is defined as an area which lacks grizzly population centers but may have isolated grizzly habitat components, and the bear may be present occasionally. By definition, Situation 2 areas are not necessary for survival and recovery of the species, but if the land manager determines the population or habitat demonstrates the need, it may be upgraded to a Situation 1 habitat. If that is not the case, other uses should prevail. Land management agencies should make situation management decisions based on scientifically credible data.

Considering the amount of time and money invested in the study of the grizzly bear, reasonable guidelines for administering the Act and protecting endangered and threatened species on all Federal lands should already be in place. We support a management approach in which the United States Fish and Wildlife Service develops and administers guidelines which protect critical habitat and at the same time allow the reasonable multiple use of the land. Emotionalism should not be allowed to administer the Endangered Species Act. Careful analysis of scientific data, in short, rationalism, should be the guiding force.

Thank you for this opportunity to provide this testimony. I will be happy to answer any questions you may have.

IDAHO FARM BUREAU

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SEPTEMBER 3, 1985

COMMENTS ON GRIZZLY BEAR MANAGEMENT IN IDAHO
TO SENATOR STEVE SYMMS
THE SENATE COMMITTEE ON ENVIROMENTAL AND PUBLIC WORKS
AND THE SUB COMMITTEE ON ENVIROMENTAL POLLUTION
REXBURG IDAHO
BY DAVID MABE
PUBLIC AFFAIRS DIVISION
IDAHO FARM BUREAU FEDERATION

Idaho Farm Bureau Federation Policy # 52 ENDANGERED SPFCIES states "We do not believe grizzly bear or wolves should be considered threatened or endangered species; therefore we are opposed to the setting aside of any land as grizzly bear or wolf habitat.

Grizzly bears or wolves should not be given priority over other uses in forest management plans...".

The definition of threatened species from the ESA in 1973 was "...any species which is likely to become an endangered species within the forseeable future throughout all or a significant portion of its range.". We don't feel that the greater Yellowstone management area is a significant portion of the total grizzly bear habitat. We also seriously question if the grizzly bear should have a threatened status in the Yellowstone area if Montana has extra Bears that they need to send out of the state because of over population.

Policy # 52 goes on to state "...We encourage a feeding program in Yellowstone park to keep the grizzly bears in the park."

There have been at least 2 independent studies that have shown a decrease in the bear population, fertility, and longevity since feeding programs have been stopped and bear proof garbage containers have became park policy.

The policy of trying to develop a Natural Free-Ranging population, meaning that the bears will exclusively eat naturally occuring foods in free-roaming conditions, will constantly put the bears into conflict with livestock and other land uses as they range over a larger area, outside the park, in search of food.

Feeding in remote areas of the park would encourage the bears to remain in the park and lessen the number of conflicts with man.

We are opposed to the use of a new Management Situation 2A which would allow a management direction between the situation 1 and 2. An uncertain area can now be designated situation 2 and if further study shows it warrants a change the area can then be reviewed and changed to situation 1.

We ask that these comments be considered in future management policy regarding the grizzly bears in the greater Yellowstone area and any alterations of the Endangered Species Act.

Respectfully Submitted
David Mabe
David Mabe
Public Affairs Division

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STATEMENT OF JOHN D. GREEN, ASSISTANT REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBMCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, UNITED STATES SENATE, ON GRIZZLY BEAR MANAGEMENT

September 3, 1985

Mr. Chairman, Members of the Subcommittee, my name is John Green. I am an Assistant Regional Director in the U.S. Fish and Wildlife Service's Denver Region with responsibility for the endangered species program. It is my pleasure to be here today to describe the Service's involvement and progress in grizzly bear recovery and management issues.

As you know, Mr. Chairman, the grizzly bear was listed as threatened in the lower 48 States in 1975. The Grizzly Bear Recovery Plan, which was approved by the Service in 1982, serves as the basic guidance for actions necessary for maintenance, enhancement, and recovery of the bear. The plan identifies six ecosystems in which recovery efforts will be concentrated, including the Yellowstone, Northern Continental Divide, Cabinet-Yaak, Selkirk, Selway-Bitterroot, and Northern Cascades ecosystems.

The grizzly is wide-ranging, and a multitude of agencies and jurisdictions are involved in its management; therefore, a coordinated recovery effort involving all State and Federal agencies has been essential to ensure the best utilization of resources and to avoid any duplication of effort.

The Interagency Grizzly Bear Committee (IGBC) was formed in 1983 to further the interagency coordination and cooperation essential to recovery of the bear. The IGBC serves as the primary coordinating mechanism for research, management, and funding needs for grizzly bears in the lower 48 States. Committee members include Regional Directors of the U.S. Fish and Wildlife Service and National Park Service; three U.S. Forest Service Regional Foresters; and representatives from the Bureau of Land Management and the States of Idaho, Montana, Washington, and Wyoming. The members are top level managers who can ensure that necessary actions are implemented. Four subcommittees were also established under the IGBC to implement approved actions and to propose and direct needed research.

Since establishment of the IGBC and the resulting coordinated research effort, there has been a definite shift in grizzly bear research away from site-specific, general bear biology studies to research focusing on the effects of certain human activities on bear behavior and habitat use. Such studies will provide managers with information enabling them to better manage the bear and its habitat.

Progress on the four studies highlighted in the 1985 Senate Appropriations language is continuing. The IGBC initiated the idea for the development of a state-of-the-art compendium that will provide a list and summary of all available information on biology and management of the bear in North America. The National Wildlife Federation was issued a contract for development of the compendium which is scheduled for completion in mid-1986.

Documentation of the best grizzly bear habitat has been completed in the National Park portion of the Yellowstone ecosystem. Portions of habitat preference studies have also been completed for the Northern Continental Divide, Selkirk and Cabinet Mountains ecosystems. Studies to determine preferred habitat and important bear use areas will be initiated in the Selway-Bitterroot ecosystem and will continue in all ecosystems in 1985.

Studies on effects of backcountry recreation, initiated in 1984 in the Yellowstone ecosystem, will concentrate on determining the effects on bears avoiding recreationists.

Research on the effects of roads and motorized road use was initiated in 1984 on the Canadian side of the U.S./Canadian border. Study efforts will be expanded in 1985 to document effects on bears.

Another grizzly related research activity now underway in the Northern Continental Divide ecosystem in Montana includes continuation of the Rocky Mountain Front monitoring studies on the effects of oil and gas exploration and development on grizzly behavior, habitat use, and population status. Trend monitoring studies have also continued within this ecosystem involving air transects in Glacier National Park and scent station monitoring on National Forests.

Within the Cabinet Mountains ecosystem, baseline information continues to be gained for grizzly bear population status and distribution. This study is being funded by the Montana Department of Fish, Wildlife, and Parks, U.S. Borax, and the U.S. Fish and Wildlife Service.

Other grizzly related research now underway includes: determination of the effects of research techniques on bears, and aversive conditioning testing. Work is also continuing on development of a trend monitoring system including scent station monitoring and area transects now underway in the Yellowstone, Northern Continental Divide, and Cabinet Mountains ecosystems.

The continuing IGBC effort has promoted management awareness and cooperation among all involved State and Federal agencies. One of the major management actions resulting from the committee's formation is initiation of a cumulative effects analysis process. This computer based analysis will enable managers to assess the effects on habitat resulting from various human resource uses and will thus allow us to minimize bear/human conflicts while maintaining the greatest use of the resource. This analysis process, refined in the Yellowstone ecosystem, is now being adopted and applied to all occupied ecosystems.

Recent management efforts have also concentrated on minimizing human/bear conflicts and preserving habitat areas critical to bears. Concerted efforts have been made to cleanup the garbage and storage problems existing not only in the backcountry but in towns such as West Yellowstone and Gardiner, Montana. Conservation groups, Federal and State agencies, and local governments are cooperating to cleanup problem areas and purchase bear-proof dumpsters. Several National Forests have also installed large metal lockers and 12-foot-high meat poles at backcountry campsites to provide bear-proof storage for food, game meat, etc., and thus reduce the attractants for bears, and hopefully bear/human conflicts as well.

Public information and education efforts have increased. A unified brochure on the grizzly has been developed for use in the various ecosystems to educate backcountry users on proper camping practices and the hazards of the bear. Plans also continue to produce a major educational film on the grizzly bear in cooperation with the Audubon Society. In addition, the IGBC has made a concerted effort to inform the public, State governments and Congress both in the field and at the Washington level of all ongoing activities related to the bear.

The coordinated interagency law enforcement effort initiated in the Yellowstone ecosystem in 1983 continues to show positive results. This effort is aimed at decreasing potential bear/human conflicts and the illegal killing of grizzly bears. During 1984 alone, over 65 individual agents from the three State and three Federal agencies involved patrolled the backcountry. Total bear mortalities were significantly reduced in the Yellowstone ecosystem in 1983 and 1984. We believe that this law enforcement effort has contributed to this reduction. This effort will continue in Yellowstone in 1985 with plans to expand into the northern ecosystem in the future.

The Grizzly Bear Recovery Plan is now being revised in order to update population goals and occupied boundaries based on the most current information. Under the normal recovery plan development or revision process, the plan will go through technical and agency draft stages to allow for agency and public comment. The revision process is scheduled to proceed through 1985 with completion in mid-1986.

The "Interagency Guidelines for Management of the Grizzly Bear" were published in the May 28, 1985, Federal Register. The management guidelines section provides recommended management actions relative to wildlife, timber, fire, recreation, mineral, watershed, and other special uses and provides guidance on maintaining and improving habitat and ways of minimizing or resolving bear/human conflicts. The U.S. Forest Service, Bureau of Land Management, Fish and Wildlife Service, and National Park Service representing the IGBC are seeking comments on the guidelines, which will affect management of the grizzly bear throughout the lower 48 States. Public meetings on the guidelines were held during June and July for each National Park and National Forest. The present guidelines consist of two major elements: (1) an identification and description of five grizzly bear management situations, and (2) specific guidelines for managing the bear as well as other resources in these areas. The grizzly bear management situations describe five different conditions relating to the status of the grizzly bear population and associated habitat conditions. They also provide general management direction applicable to such conditions.

As you know, Mr. Chairman, a vital part of the Service's recovery program for listed species involves cooperation with the States. This is accomplished through Section 6 of the Endangered Species Act which provides for development of cooperative agreements with those States that meet the criteria established by the Act. One of the primary criteria is that the State must offer its endangered and threatened species at least the level of protection afforded by the Act and its implementing regulations. The Federal share is 75 percent funding for approved projects, except that funding increases to 90 percent when two or more States jointly work on listed species.

The grizzly bear receives strong support from State efforts. In this fiscal year, for example, the State of Idaho is conducting habitat evaluation and population surveys in the Selway-Bitterroot area, surveys in the Scotchman's Peak portion of the Cabinet-Yaak area, and road closure enforcement in the Selkirks, for total funding of $57,500. The State of Washington is determining grizzly bear population parameters, habitat use and movement in the Selkirks for $36,900. The State of Wyoming is obtaining population status and trend information, habitat use information, and studying aversive conditioning methods for a total of $45,000. These funding totals only represent Section 6 funding, and not the total commitment of State resources for grizzly recovery. The State of Montana receives funding for grizzly activities through Section 15 appropriations amounting to $57,000 in 1985.

NUISANCE BEARS AND BEAR/HUMAN CONFLICTS

The handling of nuisance grizzly bears is a matter of management concern and it has been detailed in several documents. The existing Code of Federal Regulations (50 CFR 17.40) specifies that grizzly bears may be lawfully taken by authorized State and Federal agents when they are constituting a demonstrable but non-immediate threat to human safety, or when grizzly bears are committing significant depredations to lawfully present livestock. This CFR regulation allows grizzly bears to be captured and relocated, and we have an active program to do so. The State and Federal management agencies have a working agreement on the handling of nuisance grizzly bears on State, Federal and private lands. This agreement has been actively used since 1979, and it details the criteria for determination of nuisance status, the criteria for selecting a bear to be relocated and relocation areas, and the coordination and cooperation necessary to achieve these actions. The process has worked very well.

Grizzly bears that present a demonstrable but non-immediate threat to human safety are actively removed from management Situation II and III areas and from private land. Situation II and III are those areas, respectively, in which grizzly bear is an important but not the primary use on the area, and in which grizzly habitat maintenance and improvement are not management considerations. Bears which are an immediate threat to human safety may be taken in self-defense or in the defense of others under 50 CFR 17-40. This is the only way, other than a legal sport hunt in certain areas of Montana, that threatened grizzly bears may be taken by the general public in the 48 conterminous States. Considerable expertise and manpower is available in State and Federal agencies to successfully remove nuisance grizzly bears. A formalized immediate response system is available day or night and a list of contacts and a basis for rapid decisions is available among all State and Federal agencies.

The current distribution of the grizzly bear in the Yellowstone Ecosystem is determined by a variety of environmental, behavioral, and physiological factors. These include experience of the animal, its sex and age, food attractants within its home range, variations in food supply on an annual or seasonal basis, and the distribution of human activity within its home range. Considerable effort has been expended since 1975 to minimize conflicts between bears and people and to eliminate attractive human-related foods from important grizzly habitat. Certain bears, however, will move into areas of human occupancy based on a variety of factors. There is little or no evidence to indicate that the distribution of human-related foods or the artificial distribution of natural foods within the Yellowstone Ecosystem could change the natural movement and behavioral patterns of grizzly bears within this ecosystem. A task force made up of Federal, State, and outside scientists reviewed the benefits of such a program of artificial feeding in 1983. This task force reported little benefit and indicated that it was not necessary from a nutritional standpoint for the Yellowstone grizzly population. The IGBC adopted and supported this conclusion.

The survival of the grizzly bear will be dependent upon providing adequate space to meet the needs of viable, self-sustaining populations as well as assuring public support for the survival of the populations. Public support is dependent upon careful management of the species within the ecosystems including situations when the grizzly comes into conflict with people. As detailed previously, the mechanisms to deal with potential nuisance bears and the reduction of bear/human conflicts are available and are in use.

In summary, the grizzly bear management issues affect a broad range of land uses, public agencies, and the public. Over the past several years, a coordinated recovery effort has begun to better manage the grizzly and to learn how resource uses and the grizzly bear can best co-exist. These efforts will continue so the grizzly will remain a living symbol of the American West.

STATEMENT OF
STAN TIXIER, REGIONAL FORESTER
INTERMOUNTAIN REGION
FOREST SERVICE

Before the

Subcommittee on Environmental Pollution
Committee on Environment and Public Works
United States Senate

Forest Service Grizzly Bear Program

SEPTEMBER 3, 1985

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate the opportunity to provide you with information on the Forest Service grizzly bear program. The grizzly bear is a major conservation issue.

In the course of my testimony, I would like to: (1) indicate the nature and extent of the Forest Service role in grizzly bear recovery, and (2) describe the integrated, interdisciplinary Forest Service program to facilitate grizzly-human coexistence.

The grizzly bear once ranged throughout most of the western United States. However, excessive human-caused mortality and loss of suitable habitat resulted in a significant decline in the distribution and numbers of grizzly bears. Today, an estimated 750-900 grizzlies survive in portions of six grizzley bear ecosystems in Montana, Wyoming, Idaho, and Washington.
In 1975, the grizzly was listed by the U.S. Fish and Wildlife Service as a threatened species. In the Endangered Species Act, Congress declared that all

Federal agencies shall seek to conserve endangered and threatened species and the ecosystems upon which they depend. In 1982, the U.S. Fish and Wildlife Service approved a Grizzly Bear Recovery Plan that identified six recovery areas: (1) Northern Continental Divide, (2) Greater Yellowstone, (3) Cabinet-Yaak, (4) Selkirk, (5) Selway-Bitterroot, and (6) North Cascades. The Recovery Plan provides guidance to State and Federal agencies managing the species and its habitat.

Successful recovery of the grizzly bear requires a truly cooperative effort by State and Federal agencies. Public support at both the local and national level is vital--"We're all in this together." The USDA Forest Service (FS) plays an important role in recovery because about 65 percent of the bears' habitat identified for recovery occurs on National Forest System lands. The principal role of the FS is to manage habitat to meet "recovered" population levels of grizzlies and to minimize the potential for grizzly-human conflicts. Grizzly recovery areas comprise over 8 million acres of National Forest lands of which most are also important for supplying recreation opportunities, habitat for other wildlife species, and benefits from wood, mineral, gas and oil, watersheds, and livestock activities.

The mission of the Forest Service grizzly bear program is: To conserve the grizzly bear by providing a quality environment. Our goals are to: (1) maintain or improve grizzly bear habitat, (2) provide sufficient space and habitat availability for grizzly bears, and (3) minimize potential for grizzly-human conflicts.

The Forest Service has designed and is in the process of implementing a five-point program to accomplish these goals and to complement interagency recovery efforts.

Point 1

Develop an information base on habitat use by grizzly bears to understand the types, diversity, and productivity of habitats they select. Learning what comprises suitable habitat is requisite to enlightened habitat management.

The Forest Service has supported and participated in several cooperative studies of grizzly bear habitat use. We plan to increase our research in the future on habitat relationships and on habitat management techniques such as logging/prescribed burning.

Point 2

Inventory and map habitats in the grizzly bear recovery areas to ascertain habitat capability and to identify management opportunities.

The Forest Service has classified and mapped approximately 2.8 million acres in grizzly bear recovery areas, primarily nonwilderness. We are currently evaluating several remote-sensing techniques, including LANDSAT, for mapping wilderness lands. We anticipate completing habitat mapping for all ecosystems within the next 5 years; as an example, the greater Yellowstone Ecosystem should be completely mapped by the end of 1986.

Point 3

Continue to develop and refine interdisciplinary methods to maintain or improve habitat and minimize potential for grizzly-human conflicts.

In cooperation with other agencies, the Forest Service developed some initial guidelines in the "Interagency Grizzly Bear Guidelines" as well as resource standards and guidelines in draft Forest Plans for coordination of grizzly bear management with other land uses (wildlife, timber, fire, range, recreation, andminerals). These guidelines are currently undergoing a public analysis process which should be completed by December 31, 1985. A major emphasis for the near future is to translate our understanding of grizzly bear habitat use into even more effective land management prescriptions.

Point 4

Develop a process for monitoring and managing cumulative effects of all resource activities on grizzly bears and their use of habitat.

Grizzly bears range over large areas. While the effect of any single activity may not be significant, the cumulative impact of all resource activities may indeed be significant. In 1981, the Forest Service initiated a procedure for evaluating and managing multiple uses. We are actively participating in interagency efforts to continue the development and application of a computerized procedure for monitoring and managing cumulative effects of multiple use for all occupied grizzly bear areas. Quality land management depends on knowledge of habitat use by grizzly bears, inventory maps of grizzly bear habitat, and appropriate management prescriptions.

Point 5

Promote public understanding of grizzly bears and their habitat and of ways to facilitate grizzly-human coexistence.

The Forest Service fully participates in an interagency information campaign called "Bear Us In Mind." This effort involves brochures, posters, public service announcements, news releases, slide-tape programs, and a video on camping in grizzly country. The agencies plan to intensify this information effort. The Forest Service is also cooperating with the Interagency Grizzly Bear Committee (IGBC) to formulate a national coordinated public information program. In addition, we conduct interagency back-country patrols to help people minimize potential for conflict. We are also developing innovative methods for keeping attractants unavailable to grizzly bears. Such efforts are key to promoting human safety and to conserving grizzly bears.

As I said earlier, grizzly bear recovery has been a cooperative effort and the most important cooperator is the public--especially the people who use the grizzly bears' habitat for other purposes, who live and work in the same habitat. Without support of these people, recovery is unlikely. This also includes people with different interests who place different values on the recovery of grizzly populations--from those who advocate rapid recovery to those who feel such recovery would threaten their lifestyle. The Forest

Service will continue to work with all interests, as we strive to achieve the goal of a recovered grizzly bear population.

In closing, may I say that the Forest Service is committed to conservation of the grizzly bear and its habitat. Successful management of the grizzly bear will depend upon a partnership of public agencies and citizens at both local and national levels. Respect and responsibility will guide our relations with the people and the land.

I will be glad to answer any questions you may have.

National Audubon Society
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TESTIMONY BEFORE THE ENVIRONMENTAL POLLUTION SUBCOMMITTEE OF THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

Presented by

Robert Turner
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I am Robert Turner, Regional Vice President of the of the National Audubon Society. I am speaking today on behalf of the 5,500 members in Idaho, Montana, and Wyoming, and Audubon's over half-million members nationwide.

I want to thank you, Senator Symms, and the Committee for holding this hearing. Many grizzly bear issues are currently occupying the attention of conservationists, managers, and citizens alike, and we appreciate this opportunity to offer some of our views.

Since time today is short, I will restrict my comments to addressing the major concerns that face the continued existence of the grizzly bear in the Greater Yellowstone ecosystem and the bear's coexistence with the residents of eastern Idaho.

Audubon has been actively involved in the recovery of the grizzly bear for the past four years. The society's program includes a reward program; securing funding to permit regional towns to bear-proof their garbage facilities; and lobbying of state and federal legislatures to secure funding for enhanced management and research. Further information on Audubon's grizzly bear program is provided in an attachment to our testimony.

Fundamental to all of Audubon's efforts is the basic principle that the grizzly can, and should, be managed in a multiple-use context. In other words, we recognize that the grizzly can not be the exclusive management priority of every area wherein it sets foot. Conversely, we believe that in order to provide for the eventual recovery and delisting of the bear, some other resource uses will have to be limited or curtailed. As is often the case, the question is one of balance. We do not advocate locking up large tracts of grizzly habitat any more than we advocate business-as-usual timber harvesting and road building. Again, the issue is balance: sound multiple-use resource management and planning which is based on accurate data and anticipatory management.

The area of concern to us today is the Greater Yellowstone Ecosystem. As the "Three Sisters" rising to the east remind us, the Yellowstone ecosystem is a recreational mecca for all in this room. In addition, as the panel of woolgrowers, outfitters and others have made/will make clear, the area is responsible for the livelihoods of many of us as well. Of special interest to the people of Idaho are restrictions on grazing and other uses in the Targee National Forest, and the more general concerns of public safety. I would like to examine these concerns with the hope of clarifying some of the controversy.

CLARIFICATION OF RECOVERY GOAL

Under the Endangered Species Act, the goal of all management agencies, including the U.S. Forest Service and National Park Service, is to achieve recovery of the grizzly bear in order that the population may be delisted. Once delisted, grizzly bear management will be returned to the states, and the species may be managed as a game animal, like the black bear.

Currently there are three areas where recovery population levels have been established as baselines for delisting the grizzly, and management situation habitat has been delineated within the context of the proposed Interagency guidelines (a.k.a. Yellowstone guidelines): Northern Continential Divide, Cabinet-Yaak, and Yellowstone. In Situation One habitat, which is established only after public review of forest plans, the grizzly bear receives priority over conflicting uses. In all areas other than Situation One, the needs of the grizzly bear must be balanced against other uses, often with the competing uses receiving priority. It is not the intent of the Forest Service and other governmental agencies to expand Situation One habitat every time a grizzly bear moves out of its existing occupied habitat.

LIVESTOCK DEPREDATIONS

Sheep and bears do not mix. National Audubon regards sheep grazing in occupied grizzly bear habitat defined as Situation One, under the Forest Service's guidelines, as incompatible with the species' recovery. While the Targee makes up only four percent of the Greater Yellowstone Ecosystem classified as Stituation One, the magnitude of conflict between bears and sheep on the Targee is readily apparent:

> The Interagency Grizzly Bear Study Team estimates an average of 11 grizzly bears have been killed per year in the greater Yellowstone area [in the period 1976-1981]. Less than 0.5 percent of the sheep using the study area were killed by grizzly bears [yet] more than 10 percent of the entire grizzly population in the ecosystem were killed after livestock conflicts on the Targee-- or possibly 90% of the bears using the forest during this period. (Philip Lee, Forest Service Biologist, 1981)

Leaseholders to these grazing lands would have the grizzly bears removed from these areas in order for sheep to graze the high country for a few weeks of the summer. The sheep get fat, the bears get moved, and at the end of the summer the range is left all but barren for other game animals such as elk, mule deer, and moose.

Intensive monitoring of grazing allotments in Situation One habitat helps prevent grizzly bear mortality, but monitoring is expensive and, most important, fails to prevent the grizzly from killing sheep. Once a bear has had the opportunity to kill sheep, that grizzly will likely kill sheep whenever the opportunity presents itself. The solution lies in preventing such an opportunity.

Audubon submits that the replacement of these Situation One summer grazing lands with a selection of allotments outside of bear habitat has minimal long-term impact to Idaho woolgrowers. Removal of these grazing allotments reduces bear livestock conflicts, allows more high country habitat to be available for game animals, and removes "training areas" where grizzly bears can learn livestock depredation and lose their fear of man-- if they are lucky enough not to lose their life first.

DEFENSE OF LIFE AND PROPERTY

A great deal of confusion surrounds what constitutes an "illegal taking" of the grizzly bear as a threatened species. Currently the Code of Federal Regulations prohibits the "taking" of grizzly bears except those "taken in self-defense, or in defense of others. Persons killing a grizzly in self-defense shall report the incident to U.S. Fish and Wildlife Service." Under these regulations, Idaho residents have the right to defend themselves and their families from grizzly bear attacks. Such action would have to be defensible as reasonable and prudent. A bear shot in the back while feeding on a moose carcass makes for a poor self-defense plea, and the authorities are unlikely to find justification for shooting the bear (as was the case of one self-defense plea in Montana).

Defense of property is not to be carried out by the individual landowner, but by state and federal officials. For this system to work, response by these officials must be prompt, with effective control actions taken before the landowner has suffered any more hardship than necessary. In cases where landowners have practiced good husbandry and still suffered depredations on private land, compensation should be made available. Where the landowner has not seen fit to take prudent measures to minimize bear attractants, a billing for the cost of agency action should be levied against the landowner. As currently defined, removal of "nuisance bears" is permitted as follows:

> "A grizzly bear constituting a demonstrable but non-immediate threat to human safety, or committing significant depredations to lawfully present livestock may be taken" if no other reasonable alternative such as live capture exists, and the taking is conducted by authorized federal or state employees. (50 CFR 17.40)

In the Yellowstone Ecosystem, there is an interagency agreement for determining grizzly nuisance status and control of these bears on National Forest lands. Some of the key determinations to be made by officals include:

1- Use of unnatural food materials by bear (ie., garbage, livestock);
2- History of agressive (as opposed to defensive) behavior toward man; and
3- Nature of the attack and/or incident.

Obviously, it is the goal of any management system to protect both the bears and the people. However, there are individuals, humans and bears, whose actions impact the rest of us who reside near the Yellowstone ecosystem. An example:

> A bear becomes habituated to visiting a campsite because of garbage left by individuals who either didn't know better, or worse, didn't care.
>
> One month later, campers using the site are raided by a grizzly bear. The campers were following all guidelines for camping in bear country, but bear was still attracted to camp. The campers are scared out of their wits; the camp is damaged; and the bear is trapped and transplanted, receiving its first mark as a "problem bear."

Who is guilty in this situation? Clearly not the campers who got raided, but this example illustrates that sound bear management can not be achieved in the isolation of a single incident.

Yellowstone has its share of problem bears that must be either transplanted to another area or killed. These are the bears whose conditioning or other experience have made them incorrigible. Often sub-adult males, these are the animals that are the focus of the majority of control actions.

In the interest of recoving the grizzly population, however, the preferred method for reducing the number of problem bears continues to depend on positive actions such as the removal of garbage and other unnatural food sources from grizzly habitat, and research into adversive conditioning.

COOPERATION AND TRUST

Not everyone in this room likes, or even tolerates, the grizzly bear. Opponents to protecting the grizzly in the conterminous United States are apt to say: "There are plenty of grizzlies left in Canada and Alaska, let us have Yellowstone."

While defenses to this remark range from preservation of wilderness, ethics, and "just knowing the griz is out there", perhaps the best reason for continued protection and enhancement of the grizzly requires a leap of faith. Since the grizzly bear became a threatened species in 1978, we have advanced our knowledge on the effective management of grizzly bears a quantum leap. While there is often a lag between research and implementation into effective management, the federal and state agencies charged with the management of the grizzly bear and multiple use of our nation's natural resources, have gotten much better at their jobs.

The following three examples give some indication of what improved bear management means to the residents of eastern Idaho.

1. With increased knowledge comes the likelihood of less restrictions, not more.

2. The success of augmentation programs brings the bear closer to delisting, and the potential for a sport season on the grizzly.

3. Finally, with the bear-proofing of dumps, sensible camping techniques, and removal of bears with a memory of man's food, comes the likelihood of less confrontations with the grizzly.

Audubon believes that the Interagency Grizzly Bear Committee provides the most appropriate vehicle for finding the balance between grizzly bear preservation and conflicting uses of the Greater Yellowstone Ecosystem. The IGBC, as the principal forum for the coordination of grizzly bear policy, has proven itself up to this challenge time and again. Where controversy and interagency turf-fighting once dominated and paralyzed grizzly bear management, there is now a working, responsive, professional, and credible system for addressing the full range of issues surrounding the grizzly. We have come a long way in achieving a balanced approach to grizzly bears, but without regional support from Idaho's residents, and leadership by the Idaho delegation, these gains will end, and a stalemate between regional interests and national interests will ensue.

Thank you, Senator Symms, for the opportunity to present some of our views to your committee today. We will be glad to answer any questions that you may have. As always, National Audubon stands ready to assist you and your staff in seeking the balance between the grizzly bear and the residents of Idaho, so that both may enjoy the splendor that is the Greater Yellowstone Ecosystem.

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NATIONAL AUDUBON SOCIETY AND THE GRIZZLY BEAR

For more than 85 years the name Audubon has been synonymous with bird and other wildlife conservation. Founded on the outrage over the exploitation of wildlife for the millinery trade, oology (egg-collecting), and shooting of game and non-game species without regard to numbers or season, Audubon societies throughout the United States have provided a focus for the conservation and management of wildlife through research, education, habitat acquisition, and consultation with wildlife agencies.

In 1901, thirty-five state Audubon groups formed a loose federation, and shortly were incorporated into the National Association of Audubon Societies for the Protection of Wild Birds and Animals. This organization, which became the National Audubon Society in 1940, recognized the need to take a holistic approach to wildlife issues. Galvanized in opposition to systematic and uncontrolled exploitation of wildife, Audubon soon began a multi-faceted approach to remedy the problem. Currently, the National Audubon Society is supported by more than 500 state and regional chapters, education centers, workshops and camps. These organizations focus grassroots support and outreach while a network of five research centers conducts research on wildlife species including the condor in California and the wood stork in Florida. A system of 80 sanctuaries offers over 250,000 acres of refuge to a plethora of wildlife species while also providing important sites for education and research. Finally, the National Audubon Society plays a leadership role in wildlife public policy, maintaining ties with fellow conservation organizations, federal, state and local management agencies, and elected officials. Nowhere is this integrated approach to wildlife consevation and management better seen than in Audubon's role in the protection of the grizzly bear.

Audubon has been involved in the grizzly bear issue since the bear was listed as a threatened species in 1975. Active participation began in 1982, when the Society initiated a reward program to help eliminate the loss of grizzlies to poaching and other illegal activities. Since that time NAS's grizzly program has expanded to include five major areas: 1) reward program; 2) Congressional lobbying; 3) state and federal agency monitoring and cooperation; 4) publicity and public education; and 5) litigation and garbage cleanup.

REWARD PROGRAM

Believing that grizzly bears and humans can coexist in the conterminous United States despite numerous obstacles, the National Audubon Society pledged $10,000 in 1982 for the creation of a reward fund, raised to $15,000 in 1983, to pay for information leading to the arrest and conviction of anyone killing a grizzly bear or engaged in the selling or trafficking of grizzly bear parts. Several Audubon rewards have been initiated to protect endangered species including the whooping crane, bald eagle, timber wolf, and Selkirk mountain caribou as well as the grizzly. Such programs have helped both to increase the level of public awareness as a means of reducing accidental or mistaken identity killings, and to establish a strong deterrent to persons who would willfully kill a protected species.

The grizzly bear reward program paid off almost immediately with the conviction of a Florida resident for illegally shooting a bear in northwestern Wyoming in September 1981. Prior to announcement of the reward, investigation into the illegal slaying had stalled. Then an informant, lured by the Audubon reward, came forward. The tipster, who remained anonymous, received $2,500; the Florida hunter was fined $5,000 and put on a year's probation.

The case marked a turning point for enforcement of grizzly bear regulations. State and federal law enforcement efforts were now bolstered by an unseen army of informants that greatly increased the effective range of wildlife law enforcement. In 1983, another reward of $4,500 was paid for information leading to the arrest of an Idaho resident who was later convicted of killing one of the few remaining Selkirk Mountain grizzly bears.

These two convictions and the publicity achieved by the reward program have brought results, especially in the Yellowstone ecosystem where the majority of enforcement efforts have been centered. In 1982, seven grizzly bears were killed illegally in the Yellowstone ecosystem. In 1983 and 1984, with the reward system in place, there were no illegal mortalities reported within this ecosystem. Federal wildlife agents have indicated that poachers and other wildlife traffickers are avoiding grizzlies as a result of the recent convictions and continuation of the Audubon reward.

CONGRESSIONAL LOBBYING

Concurrent with the initiation of the reward program, Audubon's Washington D.C. staff began to lobby Congress to provide greater support for a range of grizzly bear programs, including increased federal agency law enforcement presence. Shortly after the reward fund was created, NAS was successful in its efforts to persuade Congress to increase the budget so that two U.S. Fish and Wildlife Service law enforcement agents could be transferred to Wyoming and Montana to aid in the investigation of illegal grizzly killings. The dramatic decline in illegal mortalities in the Yellowstone ecosystem is a reflection on the effectiveness of this increased law enforcement presence. Currently, Audubon is lobbying to gain similar budget increases for increased law enforcement presence in the Northern Continental Divide ecosystem.

Additional lobbying efforts have gained increased budgets for the U.S. Forest Service and Bureau of Land Management. These additional monies have allowed the agencies to implement important management and research programs for the grizzly bear, including increased law enforcement, road closures, bearproofing techniques, and cumulative effects mapping. In FY 86, we have also requested an additional appropriation for the Bureau of Indian Affairs to permit continuation of grizzly bear management efforts on the Flathead Indian Reservation. The goal of Audubon's Washington, D.C., office is the formulation of a comprehensive and focused lobbying plan that is both supportive of ongoing federal and state bear management programs and defensible to potential critics, both public and political, of the grizzly bear.

Like the bald eagle, timber wolf, and whooping crane, the grizzly bear has achieved a great deal of attention and notoriety. This special treatment has been both beneficial and threatening to recovery of the species. Such attention gains the animal needed research and protection, but also, especially in the case of predators like the grizzly bear and timber wolf, can lead to conflicts and public opposition. In the case of the grizzly, various user groups and development interests have unfairly made the grizzly a symbol of the loss of jobs in the timber industry, or an impediment to access of public lands. On the other side, environmentalists have used the grizzly cry to focus support for additional wilderness acreage and limiting access. This polarization influences congressional representatives who feel the heat from constituents, and may feel compelled to intervene in recovery efforts through legislative channels. In 1984, such negative attention led to an attempt by Senator McClure of Idaho to cut funding for grizzly bear recovery programs. National Audubon lobbied hard for continued support of the program, and with the help of several sympathetic senators, was successful in reaching an accommodation with Senator McClure which addressed his concerns while allowing the resource agencies to fulfill most of their management responsibilities. The episode underscored the critical importance of communicating to key (particularly western) senators the value of protecting the grizzly as opposed to the alleged "costs" that grizzly opponents claim the bear is costing their regional economies.

Whether we like it or not, the long-term success or failure of grizzly management will depend as much on what happens on Capitol Hill as on what happens in the western ecosystems. The key to Congressional suport for the grizzly is found in general public support for the bear throughout the intermountain West.

STATE AND FEDERAL AGENCY MONITORING AND COOPERATION

One of the greatest obstacles to recovery of the grizzly bear is the plethora of state, regional, and federal agencies invested with some responsibilty for the grizzly, and the wide range of mandates that these agencies must work under in formulating grizzly bear management and recovery policies.

A substantial portion of Audubon's staff time is therefore spent monitoring all state and federal agencies with jurisdiction over the grizzly. Particular emphasis has been given to the management of grizzly bear habitat by the U.S.

Forest Service. The review of forest plans to ensure proper attention to the habitat needs of the grizzly and the timely review of specific projects such as timber sales, proposed ski resorts, and oil and gas activities are three examples of NAS's oversight activities.
While much of Audubon's monitoring activities can be termed "watchdog", the society places equal interest on engaging the agencies in positive dialogue in the attempt to keep them informed of NAS concerns. A major goal of this communication effort is the prevention of problems and conflicts before they occur. As Tom McNamee concludes in his article "Breath-holding in Grizzly Country" (Audubon, November 1982):

> Beyond the diligence of the scientists, the rule-following of the land managers, and the rule-propounding of the bureaucrats, an unfaced danger lurks... simply put, it is the inability of many of the bear's partisans and would-be partisans just to get along--to cooperate, on the grizzly bear's behalf, in an atmosphere of mutual trust and shared goals.

In the years following McNamee's research, cooperation on behalf of the grizzly bear has improved, but there is continual need for further improvement. The society's emphasis on engaging in positive dialogue is extremely important for the coordinated and long-term management of the grizzly. While the agencies and fellow conservation groups may not always agree with NAS's position, Audubon has nevertheless maintained open lines of communication at all levels.

Another aspect of NAS monitoring and cooperative activities involves the lobbying of senior officials in the departments of Interior and Agriculture. Far from trying to "browbeat" these agencies, Audubon's representatives have promoted cooperation on behalf of the grizzly bear. One such example was our strong support for the formation of an interagency committee of upper-level state and federal resource managers responsible for managing the grizzly bear and its habitat. The committee was also desperately needed to play a coordinating role for the numerous natural resource management agencies involved. This effort culminated in the formation of the Interagency Grizzly Bear Committee (IGBC).

PUBLICITY AND PUBLIC EDUCATION

Awareness and knowledge is extremely important to placing a wildlife issue before the public, Congress, and the federal agencies. Committed to protecting the grizzly bear, NAS has undertaken a number of public education efforts in a wide range of media. A feature article on grizzly bears by Tom McNamee (excerpted above) which appeared in the November 1982 issue of Audubon was read by an estimated 1.5 million people. Additional efforts included consulting other authors for preparation of articles that appeared in the likes of Sports Illustrated, Outdoor Life, and Life, as well as articles on grizzlies in a number of other Audubon publications. Most recently, the premier airing of "World of Audubon" included a segment on the grizzly bear. The first two airings of this program reached some four million viewers. "World of Audubon" represents only the beginning of Audubon's venture into television, and the society is presently preparing a one-hour documentary to present the bear's plight to greater and greater numbers of the American public.

LITIGATION AND GARBAGE CLEANUP

A final aspect of National Audubon Society's grizzly bear efforts entails support for the continued bearproofing of garbage containers, transfer stations, and dumps. Anyone with a knowledge of human/grizzly bear conflicts recognizes the dangers inherent when bears become habituated to garbage. Grizzly bears become more vulnerable to illegal takings; there is more depredation of livestock; and the risk of bear-inflicted injuries to humans also greatly increases when bears develop a taste for human offerings and lose their wariness of humans.

To reduce these conflicts, NAS has used both a carrot and a stick approach. The carrot represents efforts by Audubon to find funding sources to bearproof the offending dumps. Such efforts are being undertaken for West Yellowstone, Montana. Audubon chapters worked tirelessly to secure a $70,000 grant from the Montana legislature, which was approved in May 1985, to apply to the clean up of the West Yellowstone dumpsters. Furthermore, we have raised approximately $11,000 from private corporations to date as a match to the state grant.

Where garbage cleanup needs additional encouragement, Audubon has occasionally threatened litigation. In two cases, one municipal, one private, the threat of a lawsuit was sufficient to achieve the bearproofing actions. However, litigation is seen as a tool, not a club. In the case of West Yellowstone, the town simply could not afford to fund the bearproofing; therefore, reason dictated that Audubon aid the town by finding a funding source rather than threatening to sue. Audubon has also often acted to avoid litigation by other parties when a reasonable course of action is readily apparent and where the society feels that the publicity associated with legal action will do little to enhance bear management.

National Audubon Society has successfully used litigation to foster effective bear management. Where alternate avenues are not readily available, legal action will continue to be among Audubon's vehicles for protecting the grizzly bear.

CONCLUSION

The grizzly bear is many things to many people. A symbol of wilderness for some, a symbol of meddling outsiders and overbearing government for others. Unfortunately, the grizzly bear symbol often is at odds with the real animal.

National Audubon Society, along with several other conservation organizations, is attempting to play a responsible and constructive role in the development of a sound grizzly bear management plan that will allow the bear population to recover. The goal of this recovery is not the permanent listing of the species and the "locking up" of millions of acres of lands from other responsible multiple use activities. Rather, the goal of the recovery effort, and Audubon's efforts, is the stabilization of grizzly bear populations and recovery of these populations to the levels prescribed by the Grizzly Bear Recovery Team, thus allowing the species to be delisted as a threatened species. The society further recognizes that any program developed for the grizzly must also be palatable to the residents and industry sharing the varied habitats of the grizzly, for without their cooperation, any bear management program is destined for failure.

In the past few years, knowledge and management responses to grizzly bear protection have taken a quantum leap forward. Unfortunately, this vast increase in knowledge is not always quickly assimilated into management responses and public perceptions. During this lag time, opponents of the grizzly bear have attempted to gut management programs and vilify the bear. There are also public "misinformation" campaigns. Three common examples illustrate the danger of this misinformation to effective management and recovery of the bear:

1) Wherever the grizzly bear goes, the designation of critical habitat follows;

2) Protection of the grizzly bear necessitates the loss of jobs in the timber and mining industry; and

3) The grizzly bear as a wild animal cannot coexist with man.

National Audubon Society does not believe these statements, and focuses its grizzly bear efforts to bring the symbols and the myths back into the realm where responsible and effective management and cooperation can demonstrate the ability of Ursus arctos horribilis to coexist with people below the Canadian border. In so doing, we not only protect our largest predator, but also values, both intrinsic and calculable, that will be prized by generations still to come.

1 August, 1985

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Testimony before U.S. Senator Steven Symms
Endangered Species Act/Grizzly Bear Management Hearing

Rexburg, ID Sept. 3, 1985

Thank you for the opportunity to testify.

The Idaho Environmental Council is an all-volunteer organization established with the primary mission of encouraging environmentally sound government practices through knowledgeable public involvement. Our membership is keenly sympathetic toward Idaho's wildlife, which we are proud to regard as an absolutely essential element of our precious outdoor heritage. This unreserved support of wildlife welfare extends naturally to preservation of predators and biologically intact ecosystems. Accordingly, the IEC welcomed passage of the Endangered Species Act in 1973 with particular enthusiasm. The Act has truly been a valuable tool in influencing the responsible state and federal agencies on nongame species.

Regrettably, the IEC remains most apprehensive over the fate of Idaho's tiny remnant grizzly bear populations. Since classification as a threatened species in 1975, grizzly numbers have steadily declined in Northern Idaho and throughout the greater Yellowstone area--paralleled by increasing human usage of grizzly habitat. The grizzlies of Panhandle National Forest have already withered to the point of genetic deterioration, and few would argue that they face imminent extinction. Meanwhile, survival of a biologically viable Yellowstone group cannot be guaranteed beyond two decades, if that long. We therefore must question whether or not the Endangered Species Act is being effectively enforced and fairly implemented in decision-making. The grizzly bear admittedly arouses controversial opinions and definitely poses major management challenges. Yet, the Great Bear was certainly one of the creatures Congress had in mind during formulation of the Act.

The IEC recognizes that many sincere efforts have been made on on behalf of the grizzly by dedicated agency personnel, especially by those in the field. Unfortunately, it's hard to see where much progress has been achieved on man-caused mortalities. The combination of hunter mistakes, illegal actions by poachers, herdsmen, and outfitters, and official control measures on problem bears has simply removed adult grizzlies much faster than the small number of breeding sows can replace them. Because mother grizzlies are particularly prone to fatal encounters with humans, while striving to nurture and protect their helpless offspring, the decline in total grizzly bears appears to be accelerating.

Strong measures are clearly warranted to reverse this overall trend. Indeed, some positive steps have been adopted, although typically only after many grizzlies have been lost. In any case, public education campaigns, bear-proofing of dumpsters, etc. are obviously commendable actions. Still, grizzly mortalities continue to mount, and the undeniable fact is that far too many opportunities for tragic human conflicts remain. Sheep grazing, camping, and black bear hunting on territory frequented by grizzlies are key examples. A related truth is that trapping and backcountry relocation of nuisance bears--those habituated to garbage, livestock, and camp food--is a notoriously unsuccessful management technique, as well as being very hazardous to the bears. The funding would be better spent on eliminating all sources of habituation, including phasing out grazing allotments on active grizzly range and acquisition or exchange of bounding private lands. Of course, overall grizzly prospects are worsening with construction of new recreational facilities and pending timber, mining, oil, and real estate developments. Limited grizzly-human coexistence must obviously be permitted, at least on a seasonal basis. However, managing grizzly habitat for human profit and enjoyment is clearly not compatible with grizzly survival.

In IEC experience, regional agency managers are generally willing to acknowledge the plight of this noble animal. But, whenever trade-offs materialize with commercial and private user groups, the grizzly is almost invariably the loser in land allocation decisions--temporary restrictions not withstanding. Some of this tendency is traceable to conflicting legislation, such as the 1872 Mining Law that is too antiquated to recognize competing nonconsumptive resource values. However, of greater significance is the latitude granted to agency resource managers by the Grizzly Bear Guidelines, which too often results in compromises aimed toward satisfying human interests at the expense of vital bear considerations. Moreover, no single human activity nor any one development project will, by itself, exterminate a grizzly population. Consequently, each piecemeal habitat intrusion tends to be approved without comprehensive assessments of ecosystem-wide cumulative impacts. Furthermore, on those occasions when an agency has chosen to move aggressively in favor of grizzly welfare, selfish local criticism and intense political opposition has followed almost immediately. With such pressures, even the most sympathetic of government personnel are understandably hesitant to fully honor their Endangered Species Act obligations.

All contributing factors aside, this tendency still amounts to half-hearted compliance and essentially to a tacit continuation of grizzly extermination. In response, the IEC has established the basic position that a less flexible, more serious management framework is absolutely required for grizzly survival, at least outside the Glacier National Park/Bob Marshall Wilderness ecosystem. Our hope is to stiffen agency resolve with more internal administrative backbone, thereby reducing the burden on individual managers. It is perhaps not necessary to strengthen the Endangered Species Act with specific amendments, but certain fixed rules must emerge from the Grizzly Guideline revision process, as well as formal delineation of critical habitat boundaries on biological grounds, as first proposed by the U.S. Fish and Wildlife Service in 1976. Again, grizzly welfare must become a primary, pre-eminent management criterion where biologically necessary, instead of the nagging afterthought that it now seems to be.

With reference to the greater Yellowstone ecosystem, where the Guidelines were first adopted, we cite the following instances affecting 'Situation One' habitat--the sole portion of grizzly range whereon the bear is theoretically granted priority over competing human uses.

(1) The U.S. Forest Service continues to process applications for the 'Ski Yellowstone' proposed resort, despite major criticisms from expert grizzly biologists, despite the developer's failure to meet a fund-guarantee deadline, and despite the developer's felony conviction for stealing $two million from his father. The IEC cannot reconcile the Endangered Species Act with willing federal participation in a financially screwy venture with a jailed criminal to develop critical grizzly foraging and denning range.

(2) The National Park Service has opened the Grant Village complex along Yellowstone Lake. The IEC does not oppose recreation within the Park, but the site for this massive visitor facility was poorly chosen, straddling spawning streams annually visited by grizzlies--an open invitation to new conflicts and eventual bear mortalities.

(3) In exchange for Grant Village, the Park Service had agreed to remove Fishing Bridge Campground to give grizzlies some living space along the lakes' north shore. Somewhat clumsily, the Park Service neglected public involvement, arroused opposition from the community of Cody, and has just begun the full Environmental Impact Statement that should have been completed before Grant Village construction even began. While the process drags on with no certainty of bear benefit, grizzlies must not trespass on critical habitat at both locations, on potential penalty of their lives.

(4) Far too much road construction has occurred within occupied grizzly territory on National Forest lands surrounding the Park, primarily for subsidized timbering. The roads are notoriously difficult to close afterward, and needlessly expose grizzlies to poachers and hunters that otherwise couldn't penetrate their habitat so extensively. Yet, more such timber roads are planned.

The above circumstances seemingly infer that the grizzly is flourishing in and around Yellowstone, as recently implied by Interior Secretary Hodel and Forest Service Chief Peterson. But, this supposedly happy state of affairs is a fiction. Over the last twenty years the Yellowstone population has been approximately cut in half. With three female mortalities this season and another during hibernation, field biologists now estimate that only twenty-five breeding-age females remain within the ecosystem. This death rate for adult females exceeds the ten-year average of 2.4 for known kills, and is much larger than the 1.1 maximum allowable value calculated by John and Frank Craighead for maintaining existing grizzly numbers. There is no biological cause for celebration, so Hodel and Peterson have merely clouded an already murky picture. We doubt that much of substance can be accomplished without an honest assessment of the actual situation at upper government levels. Problems simply cannot be resolved by politically expedient pronouncements.

By contrast, the IEC is convinced that a biological crisis exists in Yellowstone. Accordingly, along with twenty other state and national conservation groups, the IEC Board of Directors has endorsed the 'Citizens' Proposal to Save the Yellowstone Grizzly Bears.' This document (attached) was prepared by Anthony Povilitis, John and Frank Craighead, and other authorities, and it includes four comprehensive policies: ending destruction of critical habitat, reducing man-caused mortalities, improving grizzly health and nutrition, and promoting necessary research. We urge that you consider the Citizens' Proposal as a management blueprint for Northern Idaho, as well.

One particularly controversial provision of the Citizens' Proposal is declaring full 'endangered' status for the Yellowstone grizzlies, which would eliminate most management flexibility. This provision is regrettably justified by genetic separation and the inherent desperation, but would be too restrictive without suitable qualifying riders on removing life-threatening bears, etc. As stated earlier, the IEC prefers that firm rules emerge in the revised Guidelines in conjunction with crisply defined boundaries based solely on biological necessity. Lacking such meaningful steps, pressures will invariably mount for an endangered classification, with even more attendant polarization.

We must deal with one final point, that of whether or not the grizzly bear is worth all the trouble and expense. First of all, the IEC feels strongly that larger administrative budget shares should be devoted to all species actually in danger of extinction--no matter how classified--as well as to preserving ecologically balanced wildlife refuges. Second, we submit that protecting the current grizzly populations would cost very few existing jobs, though some shifting of activity is inevitable. We do grant that certain forms of temporary economic growth would be curtailed in the future, but these types of once-over consumptive resource exploitation do not provide long-term employment stability, anyway. Lastly, there is the ethical question as to our right to crowd another species off the planet, whose only crime was to evolve along with us. This the IEC cannot support in good conscience. Perhaps by exercising some courtesy, generosity, and fairness toward different species like the grizzly, we can best learn to coexist in peace and prosperity with our fellow humans.

Thank you for your attention.

Cyril M. Slansky

Prepared by Scott Ploger, IEC Board

STATEMENT OF RALPH MAUGHAN, VICE CHAIRMAN
NORTHERN ROCKIES CHAPTER, SIERRA CLUB
BEFORE THE
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
REGARDING
GRIZZLY BEAR MANAGEMENT AND BEAR/HUMAN CONFLICTS

SEPTEMBER 3, 1985
REXBURG, IDAHO

Senator Symms, I'd like to thank you for the opportunity to testify on behalf of myself and the Northern Rockies Chapter of the Sierra Club.

My name is Ralph Maughan. I'm the vice chairman of the Northern Rockies Chapter of the Sierra Club (an elected, voluntary, non-paid position). This includes all Club members in Idaho and Eastern Washington -- about 1900 members. I was also the President of the Greater Yellowstone Coalition during 1984. I am the author of Beyond the Teton: A Hiker's Guide to the Teton Wilderness and co-author of Hiker's Guide to Idaho. I have lived in Pocatello continuously for the last 14 years and spent 5 years as a boy here in Rexburg.

I've spent about 200 days in the last 14 years hiking, backpacking, camping, or fishing in occupied grizzly habitat in the Greater Yellowstone country. I am not a trained biologist, nor make any special claims to expertise in grizzly biology, although I have encountered grizzlies four times in the backcountry over the years (without event). My profession is political science (Ph. D, Wisconsin, 1971). One of my areas of specialization is natural resources policy and politics.

My statement does not represent the position of the Sierra Club as a whole, but only of the Northern Rockies Chapter.

As you know, senator, the grizzly bear is officially classified as a "threatened" species in the lower 48 states. A consensus seems to have developed among those professionals who study the bear that its numbers have declined in the Greater Yellowstone Ecosystem since the late 1960's, and that a recovery of the population is limited by the number of reproducing females. The number of reproducing females has unfortunately, been estimated to have fallen to as few as 30 bears. Nevertheless, there have already been four recorded human-caused deaths of female grizzly bears in the Greater Yellowstone Ecosystem in 1985.

As a "threatened" species, the grizzly bear is entitled to extraordinary protection to prevent it from becoming "endangered" (which it probably is, in fact, if not by administrative classification) or extinct. If the bear becomes officially recognized as "endangered," then even more restrictions will come into force.

We are not happy that these restrictions have become necessary. They restrict our use and enjoyment of the Greater Yellowstone country as well as the timber, mining, oil and gas, and livestock industries. For example, large portions of the Yellowstone National Park backcountry have been essentially closed for the last two years to all human recreational entry by administrative action intended to protect the vanishing bear from human disturbance. We support this action, even though we would like to be able to use these areas.

The intent of the Endangered Species Act is not that these species should remain forever on the list. Rather it is that the species be recovered so that it will not become extinct and so that the restrictions on human activities can be lifted.

It is not in the self interest of any conservation, environmental, wildlife, or forest "user" group, that the grizzly bear not be recovered. Nor is it in the self interest of any elected public official (unless that person is trying to get elected by stimulating political conflict) that the grizzly bear not be recovered. The question, therefore, becomes: "How can the grizzly be most rapidly recovered in order to preserve the bear and reduce restrictions on human activities; and, how can bear/human conflicts be kept to the minimum necessary in the meantime?"

Given the critical position you have on an Endangered Species Act authorizing committee, senator, coupled with that of our senior senator, Jim McClure, as chairman of the Energy and Natural Resources Committee who is also on the Appropriations Committee, legislation and monies to recover the bear and reduce human/bear conflicts could be forthcoming.

We suggest that the following actions be undertaken:

1- Immediate action to augment the population of female grizzly bears.

As stated, the number of reproducing females grizzlies is the critical factor. Their numbers are low, and mortality the last several years is clearly more than a stable population can stand (much less a needed growing population). We suggest that several females frpm Alaska or Canada (where there are plenty of bears) be trapped, radio collared, and released in remote parts of Yellowstone National Park. Their movements and adaptation can be monitored. If they adjust well to the transplant, a full scale program could be adopted. The result then would likely be a rapid recovery of the bear in the Greater Yellowstone area.

The federal land management agencies are probably worried about legal liability for damage or injury from imported bears. We urge you to sponsor legislation to clarify and limit their legal liability.

2- Establishment of separate grizzly populations.

At the present time, grizzlies inhabit the Greater Yellowstone area, the Glacier National Park/Bob Marshall Wilderness area, and a small and declining number exist in the Cabinet Mountains/Yaak area of northwestern Montana. It's a standard rule that you can reduce the threat to rare species of animals by creating additional geographically spaced populations of them.

Therefore, we suggest transplantation of bears into some of the large Western wilderness areas where bears don't presently exist. The River of No Return and Selway/Bitterroot Wildernesses of central Idaho look like a good bet to us because of their very large size, low density of human use per acre, and because these areas generally have no use by domestic livestock.

Clearly, population augmentation and transplantation serves the interests of both conservationists and industry alike. On the other hand, significant restraints on users will continue, and probably increase, if grizzly populations remain at their current level. The loss of just one reproductive female could make the different between a population gain during that year or a population loss.

As you know, language in the fiscal year 1985 Appropriations bill kept money from being spent for augmentation programs. We believe that this amendment was extremely unfortunate. A year was lost in population recovery and so we all suffer a another year of restrictions on human activities.

3- Depredation Compensation Program.

Grizzlies do kill livestock. Presently the Fish and Wildlife Service will remove the predating animal, but the rancher is not compensated. This, obviously, is not satisfactory to the rancher; and provides an incentive for the rancher to make an illegal kill and to oppose the grizzly bear in general.

Therefore, we feel that a special program to compensate ranchers with livestock/endangered species problems such as grizzlies (and wolves) should be established.

Data shows that the actual losses of livestock to grizzlies is low -- on the order to five cows and twenty sheep a year. While this helps place the depredation problem in perspective, it's not much compensation for the rancher(s) who actually lose their livestock. It does indicate, however, that a compensation program would not cost very much.

Such compensation programs are in place and working in Minnesota and Alberta. Program administrators believe that the programs have reduced illegal killing of predators.

We do not support the following actions that some have suggested.

1- Allowing ranchers to kill predating bears.

This only hinders bear recovery, keeping restrictions in force for longer periods and passing restrictions onto other park and forest users.

2- Hunting grizzly bears in the Greater Yellowstone ecosystem.

Although we have no objections to hunting grizzlies in general (it may even help keep them wary of man), unfortunately, the population is now too low to allow any sport hunting of grizzlies.

3- Reclassification of the Two Top area from situation 1 to situation 2 grizzly habitat.

There have been problems with grizzlies in the Two Top area of the Idaho/Montana border in recent years. Some ranchers have suggested that the area be administratively reclassified from situation 1 to situation 2.

In fact, this is no solution. The area is situation 1 because of biological reasons (good habitat), not administrative reasons. Reclassification would not alter the habitat. It may make it easier to remove or dispatch the bears, however. But to do this would only retard recovery and probably force additional restrictions onto other forest and national park users.

Senator, this concludes our written testimony.

Thank you.

Dr. Ralph Maughan
P.O. Box 1173
Pocatello, Idaho 83204

SEP - 6 1985

St Anthony, Ida
Sept 4, 1985

To Senator Steve Symms.
U. S. Senate.

Dear Steve,

This is a follow up of the brief Statements that I made during your hearing on Grizzly bear management held in Rexburg Yesterday Sept 3 1985.

I started out with a statement on numbers of bear. I believe that it was during the winter of 1975, Dick Night held a meeting at the Forest office with the users, both timber and livestock interests. At that time I ask him to tell us how many bear they had, and how many they thot they needed so we could work with them to try to perpetuate the Grizzly bear. He said that they felt at that time that according to the information they had from the Craighead Brothers, that they probably had between 300 and 380 bear in the park. (Yellowstone).

He said that they really didnt Know just how many they needed.

At that time there had been know situation areas designated. Shortly after this meeting Dick Night and two or three of his cronies set up the situation areas that they figured would be good bear habitat.

There was no input from the forest Service or anyone in the area, nor any information available as to the requirements for situation designation. I think that probably the Fish and wildlife director was asked to approve the areas, Arch Meirhoff, who was director in Idaho & northern Nevada at that time, told me later that he had signed the thing, without any knowledge of the area. I later had Arch Meirhoff and some of his Biologists ride the areas on horseback. I believe it was August of 1980, for three days, we covered the situation area completely and again in Aug of 1981 we spent 3 days again in this situation area. At this second inspection Don Hooper from the Regional Forest office in Ogden was with us. At this time Arch Meirhoff told me if he had known this area, that he probably would not have signed their program. He said there was absolutey no way that the Grazing program could hurt the bear as long as we didnot shoot one if he occasionally come across the area. They tell us now, that one of the requirements for Situation 1 areas was that they had a population of bear.

This may be the reason that they transported their trouble bear out to us. They say they didnt do it, but during 1977, 78, 79. We had trouble with 4 or 5 bear, they caught some of them, or rather our trapper from the Fish & wildlife people caught them and Knights inter agency people killed 2 of them thru their tranquilizing so they could take them some where else. The last bear we know of them bring out of the park to us was early September in 1979. Lee Lapp from Bison Wyoming, whom had hunted in that area for 20 years and two or three off his hunting party caught them Red Handed unloading a big Grizzly Bear within ½ mile off 1 of our herds of ewes. It came over to the sheep that nite and Killed a ewe and the herder sat on the camp step and watched it eat the sheep. After the bear had eaten the sheep it rolled around in the grass for a minute ore two, then strolled back to the north toward Yellowstone Park and we never saw it again.

Now, I submit to you that this entire area should be recassified to a 2, 3, or 4 Situation because over the past 55 years of my own personal knowledge there has never been a population of bear in this area. (1 bear in 55 years) except those 2 or 3 summers following their situation area designation, and everyone of these bear that were caught had from 1 to 3 tags in their ears and the ones they didn't catch went back where they brought them from.

The last 4 summers the Forest Service has had 1 or 2 men montitoring the area, (which we were happy to have) because they couldn't rely on what we told them.) this thing has worked out exactly as I told them it would but they have spent a good many thousands of dollars and Im not sure that they are happy with their own information. (I think the Forest Service is satisfied with their Information but Im sure Dick Knight at the head of the recovery team, Banan in the Fish & Wild Life office in Pocatello and the Audubon Society are still pushing them.

Actually Sentator the rules they have set up for these Situational areas take a part of our (I thot) Constitutional rights away from us. We no longer have the right to protect our property, and for that, our own life, because every instance so far where a man has seen it necessary to kill a Grizzly Bear to save his own life, He has promptly been arested and fined $10,000 regardless of the circumstance. The only way they have avoided the fine is to manage a jury trial. That always is expensive to the defendant.

The whole program at this time seems to me to Constitute flagrant harassment.

As I mentioned at the hearing, there is an excess amount of elk in the Madison River elk herd and they are actually killing a lot of Buffalo, Why not take 25 or 30 or whatever it take about the time the bear are coming out of hibernation and lift them back in the wintering area the Park deligate on the panel mentioned that was closed the year around anyway,

I believe that thru their management rules and regulations that they have alienated the entire local population and their only hope will be thru a feeding program at the time those bear come out of hibernation. Craigheads told the recovery People several times that closing the dump would result in the finish of the Grizzly bear.

Now conserning the agencys cooperation. Every trouble sittuation that arizes there is a huge expenditure of funds from 3 federal agency and 1 state agency, when their cooperation can be taken care of in their meeting and 1 agency designated to handle the field work on the problem.

The A.D.C people of the Fish & Wildlife have been trined and have had much expieriance in this area, They are people whom are paid a reglar wage or salary and there would be no extra expence other than some milage.

To Senatar Steve Symms

Respectfuly

Emery Davis
Rt. 1 Box 51
St. Anthony,
Idaho.
83445

Marie C. Bramwell
Rt. 1, Box 48
Roberts, ID 83444

September 1, 1985

Senator Steve Symms
United States Senate
Washington, D. C.

Dear Senator Symms:

Following is a copy of a letter I wrote to Mr. John Burns, Supervisor, Targhee National Forest at St. Anthony, on June 22, 1985 regarding the grizzly bear situation. I would like to have you know how my family and I feel about this problem.

> Dear Mr. Burns:
>
> I understand that the public has an opportunity to voice their opinions regarding the grizzly bear problem. We would like to present you with some of our ideas, if we may.
>
> I have lived in Idaho, (about 100 miles from Jackson, Wyoming and from West Yellowstone, Montana), all my life--nearly 64 years. I do not remember the grizzly bears being much of a problem until just the past few years. I do not remember so many people being killed by them until recently; it seemed that when the bears were being fed at the garbage dumps in the parks and at the resort towns, they weren't so hungry so as to eat people as they do now. One thought that we had would be to feed the bears in a remote area such as off the road to Norris from Canyon to the south, in a very secluded area--taking the bears out of the main traveled roads and trails. But then we'd still have the problem of bears and people being in the same general area.
>
> A documentary on T.V. about grizzly bears declared that they are the most vicious and dangerous animals on earth. I believe it. Why is it so important to keep them from becoming extinct? Frankly, I can see no use for them in the ecology that black or brown bears can't provide. If they are in the remote back country where they belong no one sees them or are aware of their existence. If they come down into civilization where they are seen and people are aware of them, people and domestic animals are in great danger. I have no love for them.
>
> As far as listening to the environmentalists who want to preserve every grizzly on earth--they are probably the same people who had a fit when farmers and ranchers had to destroy so many jack rabbits because of the damage they were doing to crops and hay stacks.
>
> If you are going to give grizzly bears priorities in our National Parks and wilderness areas, in our national forests and recreation areas--you might as well put a high fence around these areas, lock the gates and keep the people out. But also keep the bears from coming down into populated lands, farms and rangelands.
>
> Why am I and my family concerned over this issue? Because not only does it sicken us every time we hear of someone being mauled, killed, eaten by one of these beasts, probably attacked while sleeping, but just the constant fear of meeting one or being attacked

by one when we are camping, fishing or trail riding in our favorite places in our nearby parks or forests--takes the joy or pleasure out of being there. Are we supposed to turn the whole country over to the grizzlies? People aren't even allowed to carry guns to protect themselves. And the attitude is that if a person is attacked, it is his own fault. So it appears to me that you're going to have to decide who gets priorities, and if it is the grizzlies, you may as well close the parks and forest areas to people, and let the grizzlies have them.

Someone suggests that if it is so important to save the grizzlies, to send them all to Alaska; there's enough wilderness there to take care of them, and we surely won't miss them here. But I doubt that Alaskans would want them either.

We aren't tourists or weekend campers bringing our mobile homes into the wilderness with us. We do very little hunting and fishing. We leave clean camp grounds and are very concerned about preserving the environment. We often pick up cans and garbage left by other campers and haul it out with our own. We love the mountains and the beautiful country surrounding the part of Idaho where we live. Riding our horses on those high trails, roughing it with what supplies we can carry with us is exciting adventure enough without having to worry about being attacked by grizzlies; and that danger seems to be ever increasing each year, and the grizzlies becoming more brazen and dangerous.

My family and I have done a lot of trail riding in the past 25 years; we have ridden trails in the Palisades Lakes area, around the Tetons over Buck Mountain and Hurricane Passes, into the Yellowstone country from Bechler Ranger Station on the Howard Eaton trail to Old Faithful, up to Summit Lake and then down the Boundary Trail to Dononda and back to Bechler. We have ridden on the Targhee 50 trail near the Reclamation Road, and from Tillery Lake area to Union Falls in the Park. We enjoyed the Coyote Meadows area up to Hidden Lake and Hidden Corral. We have been in the Teton Wilderness country over the Continental Divide, and in the Wind River Mountains in from Pinedale and Boulder. We have ridden in the Birchcreek Mountains up Pass Creek, and up Weber Creek into Montana. We spent a week riding in the Idaho Primitive Area (going in on the Sleeping Deer Mountain Road); this is the wildest country that I have ever seen. (Last month we rode up So. Leigh Canyon to Granite Basin, saw Green Lake, Badger Creek Canyon, Dead Horse Pass, and down to Coyote Meadows by way of Hidden Corral, a three day ride--taken since I wrote to Mr. Burns.)

On some of the easier rides, our grandchildren, even as young as 3 or 4 years old, on their little ponies have gone with us. This is a family tradition where we combine our love for our horses with our love for the mountains, and we hope that we can continue to do so. We hope that you can see why we are concerned about the ever increasing threat from grizzlies.

And so, Senator Symms, I plan to attend your "Town Meeting" Tuesday afternoon. My whole family--four sons and a daughter and their wives and husband wish they could also be there but can't and want me to express their views. We wonder why the public wasn't consulted before this, in the 1970s, when the guidelines for the management of the grizzlies were first being considered. And we are wondering how this controversy can be settled.

Sincerely,

STATEMENT for Sen Symms'
Committee on Grizzly
management

Sen Symms;

I'm your average user of public land. Some of this land is grizzly bear range. I hunt Fish and camp on this land. But I make no money off of public land, and so like the grizzly bear I'm a Non-Commercial user of public land.

You don't like, nor do you represent us non commercial users. The grizzly doesn't bring any money into this state. You cater to The Stockmen, Timber indus, Petroleum etc. The "Commercial users".

us NonCommercial users ask for just a little consideration. Don't let big money men pay for our extinction. Set us aside a little land for NON commercial use only. Grizzlies will thrive.

Your proposed Amendment, if implemented will solve the problem. After 200 Bear-Rancher Conflicts, The bears will all be shot. Sure nice of you to give a select few a license to kill grizzlies. You really think They'll wait until bears are killing stock? I don't.

Sincerely
William Eder

W. R. EDER
265 S. Lloyd
Idaho falls 83402

Ashton Ida
Sept 4, 1985

Dear Senator Syms SEP 9 11 03 AM '85

I was unable to attend your Rexburg meeting In regard to our Grizzly bear problem I think you are entirely right in not letting the bear upset the economy of our locality adjacent to Yellowstone Park.

I have hunted by the Park & taken sight seeing trips into the Park for the last 26 years. I have probably spent more time in the South Eastern Part of the Park then most Any One else

I have seen quite a few Grizzlys & have never had any problem with them If you leave them alone they don't bother. This is your wild bear not your road beggar.

~~Their~~ situation and habitat comes about 4 miles from my ranch. Its absolutely no good. No matter how much ground you close to Grizzly habitat you must have some feed sources in that area or no bear will stay there

Some of the ideas they have used and made into regulations are Asinine. Both the forest service & Park service have come up with some dandies.

The forest service Constructed some sheet iron boxes for campers sheep herders etc to store their food. They flew them into the back country with helicopters. Their mistake was that they were built of black Iron

And conducted the heat so badly they couldn't keep that food in them. thousands of dollars wasted.

Another rule was you could not bury human waste. I don't think many packers carry a port a potty into the back country.

You must hang your game at least 300 yards from your camp. Most of the creeks in southern Idaho game country have camps closer together that that I hang my elk in your camp & you hang yours in mine

If you kill an elk you must move the entrails ½ mile from a road or treat them with bear repellant. No one can tell you what repellant is or where you can get it. Or if you can carry enough all the time you are hunting.

For what it is worth. We have too many Bison in the park. They killed 88 of these who were leaving the Park. They know supposedly where all the bear are located. Why not helicopter these excess Bison carcasses into bear country to encourage them to stay in the back country. It would not be any more expensive than their black boxes.

We have too many biologists tied to the bear problem. Little girls who had nothing but a degree were trapping bear another rode a horse all summer supposedly looking for bear. She's lucky she didn't see one.

The Park rangers have been the greatest enemy of the bear over the years. Any bear black or Grizzly that caused trouble was tranquilized an hauled out into the back country. If they came back they were killed. If some food had been left there, maybe they would have stayed longer. Old no 33 who gave them so much trouble around Henrys lake just happened to get to much drugs.

I think the bear problem is welcome to the park & Forest service as it gives them an excuse to hire more people & build up their prestige. The Forest service is all ready the largest work force in Fremont County

Thank you for your attention I understand my brother Geo H Merrick was One of your instructors in high school

Sincerely
Chas L. Merrick

CHARLES MERRICK
P O BOX 566
ASHTON, ID 83420

Ashton, Idaho
September 6, 1985

Senate Environment and Public Works Committee
Washington, D.C.

Attention: Senator Steve Symms

I am attaching hereto a copy of my letter dated July 15, 1985, to Mr. Tom Coston, Regional Forester, Missoula, Montana.

This letter should shed some light on the grizzly bear subject for you.

The logical solution to the grizzly problem is to turn the clock back fifty years and do what was done then. Namely, reactivate the bear feeding grounds at the right location near Old Faithful and the Grand Canyon in Yellowstone. Allow and require people to sit in their cars at a proper distance when observing the bears during their favorite pastime - feeding.

This would save lots of money now spent in expensive garbage transportation. It is known that full bellies foster obesity, lethargy and benign rather than malign bear temperaments. Successful hibernation and reproduction would again be the norm and the present trend towards extinction would be reversed.

And people world wide would gravitate towards Yellowstone for a first hand look at the bears. The increased tourist revenues would be tremendous.

The national forest lands surrounding Yellowstone National Park could again be used for the benefit of people and bears on a multiple use basis. It is only rarely that either people or bears become vicious killers. And there is a well known cure available for either one and it should be employed when necessary.

Yours very truly,
A. C. Nichols
A.C. Nichols
Box 153
Ashton, Idaho 83420

Ashton, Idaho
July 15, 1985

Mr. Tom Coston, Regional Forester
Forest Service, USDA, Box 7669
Missoula, Montana

Dear Mr. Coston:

The Great Grizzly Bear Controversy excites my wonderment.

In reviewing my seventy nine years of living and working in and near the Greater Yellowstone Eco-system, I cannot help wondering about the apparent successful co-existence of grizzly bears and people during the first fifty years of my lifetime.

The bears were numerous and seemed to be healthy, fat and sassy and seemed to get along fairly well with the human family.

Of course, if humans got too hungry they ate bears. And of course, if bears got too hungry they ate humans. And of course during those years if humans got too close to bears it seemed to be common knowledge that the humans could very well be the threatened and endangered species.

Thus a tolerable situation for all began to be somewhat intolerable with the emergence of the scientific bear experts.

A succession of events included the Craighead studies, Congressional meddling, Department of Interior studies, and the present myriad of Federal and State agencies involved in the whole fiasco.

When the Yellowstone Park officials caused the slaughter of many thousands of elk and then a few years later closed the Park's garbage dumps, including the large one at West Yellowstone, they pretty well starved the bears out of the confines of Yellowstone National Park.

The bear's easy and dependable food supply was suddenly denied him by official edict and the grizzly's prodigious appetite caused him to forage far and near. And a hungry grizzly is just not fit to be tied - literally.

That the grizzly's gastrointestinal apparatus appears to be impervious to the great gobs of taxpayer's money being dropped all over his surroundings gives more reason for wonderment.

Some current news media reports seem to suggest that the grizzly is being expertly studied, starved and otherwise managed towards extinction.

I do believe that appropriate words can and will be found to make the grizzly's epitaph sound faintly and plaintively logical.

Yours very truly,
A. C. Nichols
A.C. Nichols
Box 153
Ashton, Idaho 83420

A CITIZENS' PROPOSAL TO SAVE THE YELLOWSTONE GRIZZLY BEAR

The grizzly bear population of Yellowstone, officially estimated at 183-207 animals (1), has suffered a serious decline since the 1960s. A decrease in grizzly bear numbers, reproduction, longevity, and nutritional level appears evident, while man-caused deaths well exceed the limit for population recovery. Regrettably, bear management by public agencies has thus far failed to conserve the grizzly. Unless the situation for the grizzly bear improves significantly, this species is likely to be lost from the Yellowstone area.

The survival of the grizzly depends on the availability of adequate habitat and on the degree to which bears can utilize it without human interference. Given their large size and natural curiosity, as well as their need to acquire a variety of foods, denning sites, and other essential resources, grizzly bears range throughout much of the Yellowstone ecosystem. Hence, the current Yellowstone population, and certainly the recovery goal population of over 300 bears (2), cannot be expected to prosper with less space.

Recognizing

that the Yellowstone ecosystem is not only the most southern but also one of the final refuges for the grizzly bear in the American West;

that Yellowstone National Park, as the geographic center of this ecosystem and America's first and among its most precious national parks, is a major biosphere reserve of international repute; and,

that the grizzly bear holds a wide range of ecological, scientific, cultural, historic, aesthetic, recreational, and educational values for Americans,

we, the undersigned, strongly urge that the following comprehensive plan be adopted by the responsible public agencies in order to bring about full grizzly bear recovery. Four major policies with appropriate management actions follow.

I. END DESTRUCTION AND DEGRADATION OF GRIZZLY BEAR HABITAT IN THE GREATER YELLOWSTONE AREA.

1. Under the Endangered Species Act, establish critical bear habitat as determined biologically (3), or expand Situation 1 Management Areas (4) to encompass all such critical habitat (see Appendix A).

2. Within critical habitat, disallow all developments and activities that may adversely affect the grizzly bear.

3. Permit developments in critical grizzly bear habitat only after thorough public review, as, for example, through the EIS process, to ensure that they will not hinder grizzly bear recovery.

4. Phase-out existing developments in areas heavily used by the grizzly and in those which contain the richest habitat (such as the Fishing Bridge recreational facility in Yellowstone National Park).

5. Support closure of prime habitat areas and those of high grizzly bear use during appropriate seasons and until population recovery is assured.

6. Manage all non-critical habitat in the Yellowstone ecosystem as currently recommended for Situation 2 Management Areas (4), i.e., grizzly bear conservation is to be accomodated with other land use activities, but not to their exclusion.

II. GREATLY REDUCE MAN-CAUSED MORTALITY.

7. Support law enforcement activities in the Yellowstone area adequate to eliminate poaching, unauthorized control actions, and the sale of grizzly bear parts acquired illegally.

8. Request that U.S. attorneys and federal judges handle cases of poaching on a priority basis and seek full prosecution of poachers under the Endangered Species Act.

9. Encourage full prosecution of poachers who are tried in state courts and support stiffer and uniform penalties for persons convicted of illegally killing bears or selling bear parts.

10. Phase-out livestock allotments on public lands located within critical habitat until conclusive evidence of grizzly bear recovery becomes available.

11. End the hunting of black bear within critical habitat until conclusive evidence of grizzly bear recovery becomes available.

12. Enforce strict handling and disposal of garbage on public lands in ways that will not attract bears, and encourage municipalities and counties to require the same for the private sector.

13. Support a vigorous information/education campaign in the Yellowstone area stressing grizzly bear protection, camp sanitation and other visitor precautionary measures, and the grizzly's value to all Americans.

III. IMPROVE THE OVERALL HEALTH AND SECURITY OF THE GRIZZLY POPULATION.

14. List the Yellowstone grizzly bear as "endangered" under the Endangered Species Act until definite progress towards its recovery becomes evident.

15. If man-caused mortality of bears cannot be largely eliminated soon, attempt to re-establish an ecocenter (5) by providing a dependable food source for the grizzly near the geographic center of the ecosystem (6).

16. Accelerate the process of designating roadless areas in the Yellowstone area as "wilderness" under the Wilderness Act (see Appendix B).

17. Support the idea of the Yellowstone ecosystem as an area of national priority for wildlife and, as part of this, provide legal mechanisms for better achieving grizzly bear recovery.

18. Solicit citizen views and participation in grizzly bear conservation matters.

IV. PROMOTE RESEARCH THAT WILL EXPEDITE POPULATION RECOVERY AND PROVIDE AN IMPROVED BASIS FOR GRIZZLY BEAR MANAGEMENT.

19. Develop the means for determining trends in the grizzly bear population without recourse to methods that may further stress it.

20. Evaluate, describe, and map grizzly bear habitat types and rate areas within the ecosystem according to their ecological value to the bear.

21. Document the "state of knowledge" regarding ways of improving grizzly bear habitat through vegetation management and encourage further research where needed.

22. Document the "state of knowledge" regarding the impact of various human activities on the grizzly bear and determine how and where further data may be obtained.

23. Consider the use of advanced technology (7) for comparing the Yellowstone area with other large wilderness ecosystems for purposes of determining optimal population and broad management policies for the grizzly bear throughout the American West.

24. Encourage research on the Yellowstone grizzly bear and its habitat by non-governmental biologists.

25. Encourage professionals from the private sector to participate in reviewing research proposals and results.

26. Require independent investigations of grizzly bear incidents involving human injury and death.

References:

(1) "Ad Hoc Committee for Population Analysis." Unpubl. Report to the Yellowstone Interagency Grizzly Bear Steering Committee. January 1983 (errata sheet 10/83).

(2) "Grizzly Bear Recovery Plan." U.S. Fish and Wildlife Service. 1982.

(3) "A Proposed Delineation of Critical Grizzly Bear Habitat in the Yellowstone Region." Bear Biology Assoc. Monogr. No. 1. J.J. Craighead. 1980.

(4) "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area." National Forests and National Parks. December 1979.

(5) "The Grizzly Bear." Chap. 25 in Wild Mammals of North America. Edited by J.A. Chapman and G.A. Feldhamer. The John Hopkins University Press, Baltimore & London. J.J. Craighead and J.A. Mitchell. 1982.

(6) Track of the Grizzly. Appendix: "Management of the Yellowstone Grizzly." Sierra Club Press, San Francisco. F.C. Craighead, Jr. 1979.

(7) "A Definitive System for Analysis of Grizzly Bear Habitat and Other Wilderness Resources." Wildlife-Wildland Institute Monogr. No. 1. J.J. Craighead, J.S. Sumner, and G.B. Scaggs. 1982.

CITIZENS' PROPOSAL
Page 4

Signed,

Tony Povilitis

Tony Povilitis
Boulder, Colorado

Walter R. Merschat

Walter R. Merschat
Casper, Wyoming

Oliver K. Scott

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Casper, Wyoming

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Frank C. Craighead Jr.

Frank C. Craighead Jr.
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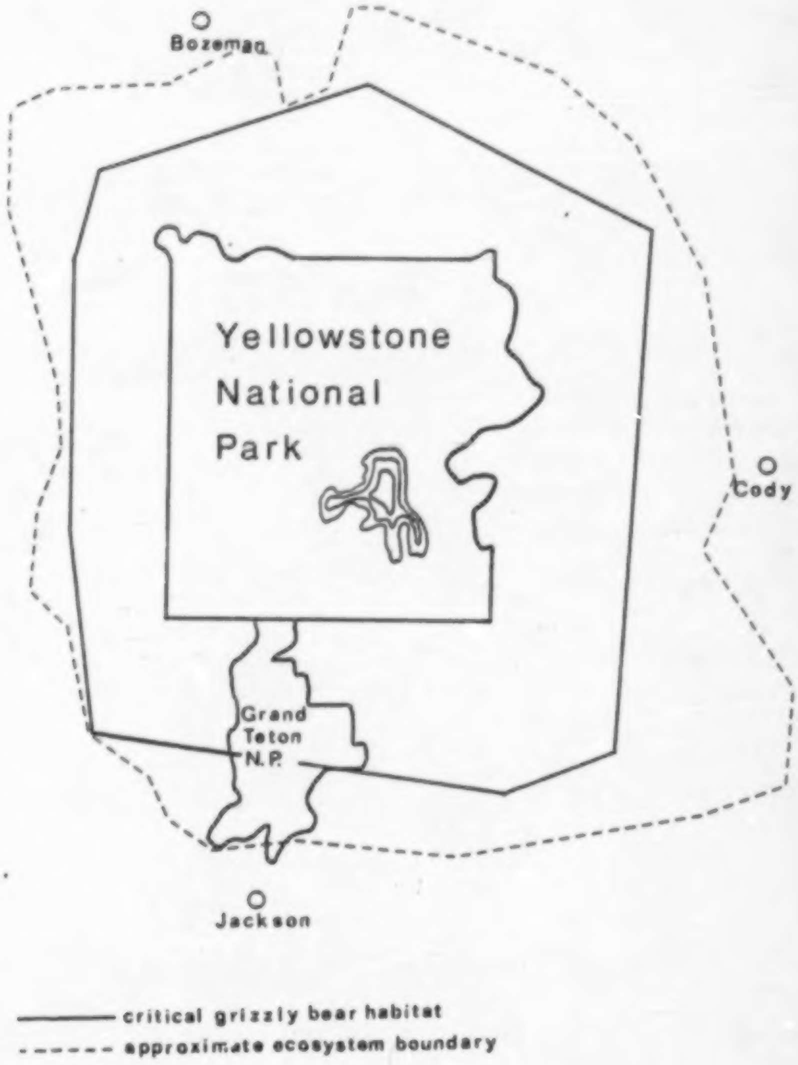
John J. Craighead
Missoula, Montana

Lyn dePagter

Lyn dePagter
Boulder, Colorado

January 1984

APPENDIX A YELLOWSTONE ECOSYSTEM


Bozeman
Yellowstone National Park
Cody
Grand Teton N.P.
Jackson
critical grizzly bear habitat
approximate ecosystem boundary

APPENDIX B

Areas Recommended For Wilderness Designation Within the Yellowstone Ecosystem Include:

In Montana

Hyalite-Porcupine-Buffalo Horn (Gallatin Range)
Lionhead (also in Idaho)
Lime Creek Plateau (adjacent to Wyoming's Deep Lake area)

In Idaho

Two Top

In Wyoming

Wyoming High Lakes (Addition to Absaroka-Beartooth Wilderness in Montana)
Deep Lake
North Absaroka Wilderness Additions
Washakie Wilderness Additions
Teton Corridor (Teton Wilderness Addition)
Teton West Slope
Winegar Hole
Jackass

September 5, 1985

Senator Steve Symms
8 & Bannock
Boise, Idaho 83702

Dear Senator;

I was unable to attend the public hearing that was held on Tuesday, September 3, 1985 in Rexburg, Idaho regarding grizzly bears. This is a very important issue with me and I would like this letter to be regarded as part of the hearing's public testimony.

First, I would like to thank you for being involved with such a special issue. I think that this indicates a deep personal commitment for the good of Idaho and it's people.

I believe that Idaho should do whatever is required to maintain a viable, stable population of grizzly bears in the state. Knowing that Yellowstone National Park provides habitat for around 350 grizzly bears, I would think that the complete state of Idaho should be able to handle between 1000 and 1500 of these bears with no major problems.

I am sure that the issue of; " Can Idaho afford the grizzly bear ? " will be raised. Granted, grizzly bears are a potential threat to livestock. I have two responses to this issue.

First, the land involved must be considered. When listening to the concerns of the livestock ranchers, one must realize that the bears and cattle or sheep do not mix. Grizzly bears require vast amounts of land with minimal influence of man to thrive. This is what exists in the primitive areas of the central Idaho mountains. These areas should not be being used as pasture land. Therefore, the different factions will for the most part be in totally seperate locations.

Secondly, even with the separate areas for the bears and livestock, overlaps will occur and some livestock will be lost due to the bears. However, I am sure that the dollar value involved is but a fraction of the money being spent annually in research of the big bears. We have therefore already accepted that the bears are "worth" more than any damage they might do.

Additionally, some concerns may be voiced by local sportsmen, thinking that the grizzly bears will reduce the quality of hunting in the state by killing off too many of the game animals. This is absurd. Grizzly bears are part of the natural cycle of life in Idaho and they are needed to help cull old and sick animals from the herds. Additionally, there is always the possibility that in the future, sportsmen may be able to hunt grizzly bears in Idaho, thus providing substantial additional income for the state.

Finally, there is the issue of citizen safety. Everyone hears about grizzly bear attacks when they occur in Yellowstone or Glacier National Parks. I believe that the media blows the real risks way out of proportion. The number of people visiting bear country in the parks is orders of magnitudes higher than the number of people that would visit the Idaho primitive areas. Additionally, the bears in the parks have been conditioned over the years to accept man's trash as a potential food source. This would not exist to the same extent in the Idaho backcountry.

Idaho can be proud that it is one of the few states with remaining populations of grizzly bears. The very thought of the grizzly bear heightens the wilderness experience causing the backcountry traveler to be even more aware of his surroundings. Idaho wishes to be known to the rest of the country as "The Wilderness State". How can this be without the king of the wilderness, the grizzly bear? Once this animal is gone from Idaho, we have lost a magnificent symbol of what wilderness, and Idaho are all about. The grizzly bear belongs here here and we need to do whatever it takes to keep them in Idaho.

Thank you for your time and effort. Please keep me informed of the results of the hearing.

Sincerely,

Bruce Wiegers

Bruce Wiegers
4300 Greenmeadow Dr.
Meridian, Idaho 83642
(208) 377-5798

cc: Senator Jim McClure
Jerry Conely, Director of Idaho Fish and Game

TO Honorable Steve Symms, United States Senator

FROM

HAROLD E. WILKINS
BOX 130
ISLAND PARK P O
IDAHO 83429-0130

SEP 13 1985

9/7/85
DATE

SUBJECT Grizzly Bears

MESSAGE Dear Senator Symms,

I regret that circumstances prevented me from being at the meeting last week in Rexburg. I read with interest the newspaper accounts of the proceedings.

I want to thank you for sending me a copy of the letter sent to you by Stanley Albright, Acting Director of the National Park Service on the subject of my letter to you.

The National Park Service's position on the matter of the Grizzly bear's problem is well stated. I am taking the liberty of once again stating my views, to Mr. Albright directly. I can do no more than to keep alive what I consider to be an important viewpoint on this important matter, with the hope that a new look will be taken at the course we are on

TO

FROM

DATE

SUBJECT Pg 2

MESSAGE

which to me spells a great risk to human life and way of life for a purpose which overlooks the fundamental fact that the grizzly is not about to leave this planet, due to a goodly supply in Western Canada and Alaska.

I am sending you a copy of my letter to Mr. Albright.

Thanks again for your interest,

Cordially,

Harold E. Wilkins

SIGNED

September 10, 1985

Mr. Stanley T. Albright, Acting Director
United States Department of Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Mr. Albright:

Senator Symms sent me a copy of your letter to him of August 22, 1985 explaining the National Park's Service's position on the Grizzly Bear problem. I appreciate your letter - for the first time I have the matter clearly spelled out from the National Park's point of view.

One of the outstanding things I cannot understand is the insistence of treating the Greater Yellowstone Ecosystem as the last stand of the Grizzly. Why is it so important to select this area and spend much money, risk human life, require changes in the conduct of grazing, lumbering, cause disruption in commercial enterprises (tourism) when we all know that the Grizzly is not really endangered of leaving our planet, but simply in a western mountain region. There is a supply in the thousands in Western Canada and Alaska, while we go through all the headaches to raise the bear population in this area from 200 to 300 to 350.

Surely no one can look at an increase of this sort and the inevitable increase in the population in the area and believe that we are not on a collision course with additional bear-human confrontations. Education, segregation, and all the other things that will be or have been introduced will help but not solve the problem. The bear is not going to change!

Where is the pressure coming from? You are aware that when Montana proposed to all States which had or have grizzly bear habitat that they take 25 or so bears to help build up the breed, the offer was greeted with a resounding negative response. Surely this must carry a message.

The general public, when kept at a safe distance from the Grizzly would not know if it was a black, brown or grizzly that was in view. It wasn't the grizzly that caught the world's affection as "Smokey" and as the figurehead of Yellowstone Park. Told of the cost, danger and disruption that the current program involves I am certain that the public would be willing, even anxious, to let Alaska and Western Canada carry the grizzly along.

To conservationist lobby is understandable - they exist by backing causes. One wonders how far the outspoken individual would go in

1) taking the responsibility of human safety in backing the program
2) in being actually exposed to the grizzly in their daily life.
It's one thing to write and apeak about the preservation of the bear, but it is another matter to face up to one. For a real life description of what it is like, I urge you to re-read the article in December, 1978 National Geographic - Volume. 154, No. 6 entitled "Winterkeeping in Yellowstone" by a ranger, who concludes with this remark, "In modern America, unfortunately, there is no place for such bears". This statement is most certainly true where areas of human population and habitation are involved.

The problem is certainly difficult. I believe the solution lies not in increasing bear population, or in training, or placing beepers, but in a basic look at whether we shouldn't re-establish our thinking, and our policies set forth in 1974 and 1916.

Yours truly,

HAROLD E. WILKINS
P.O. Box 130
Island Park, Idaho 83429

cc: Honorable Steve Symms
United States Senator
482 C Street, #306
Idaho Falls, Idaho 83401